

MONTANA LEGISLATIVE HISTORY

Chapter 567 19 89

Bill H _____ S 207

Original bill & history ☒ c

H. Committee on Business + Economic Dev. S. Committee on Public Health, Welfare + Safety

Hearing Date(s) 3/1 ☒ c

Hearing Date(s) 2/1 ☒ c

3/9 ☒ c

exec . 2/3 ☒ c

exec 3/14 ☒ c

_____ c

_____ c

_____ c

Date Out _____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SENATE FINAL STATUS

3/13 REREFERRED TO TAXATION
DIED IN COMMITTEE

SB 207 INTRODUCED BY BROWN, ROBERT, ET AL.
REQUIRE SMOKE DETECTORS IN RENTAL UNITS

1/21 INTRODUCED
1/21 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
2/01 HEARING
2/06 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/09 2ND READING PASSED AS AMENDED 44 4
2/11 3RD READING PASSED 41 5

TRANSMITTED TO HOUSE
2/21 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
3/01 HEARING
3/14 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
3/27 2ND READING CONCURRED AS AMENDED 67 20
3/29 3RD READING CONCURRED 66 31

RETURNED TO SENATE WITH AMENDMENTS
4/04 2ND READING AMENDMENTS CONCURRED 49 0
4/06 3RD READING AMENDMENTS CONCURRED 44 5

4/11 SIGNED BY PRESIDENT
4/17 SIGNED BY SPEAKER
4/17 TRANSMITTED TO GOVERNOR
4/18 SIGNED BY GOVERNOR
CHAPTER NUMBER 567 EFFECTIVE DATE: 4/18/89

SB 208 INTRODUCED BY BROWN, ROBERT, ET AL.
REVISE VENUE NONRESIDENT TORT CLAIMS

1/21 INTRODUCED
1/21 REFERRED TO JUDICIARY
1/27 HEARING
DIED IN COMMITTEE

SB 209 INTRODUCED BY BROWN, ROBERT
REVISE COURT REPORTER SALARIES

1/21 INTRODUCED
1/21 REFERRED TO JUDICIARY
1/23 FISCAL NOTE REQUESTED
1/27 HEARING
1/30 FISCAL NOTE RECEIVED
1/31 FISCAL NOTE PRINTED
2/02 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/06 REVISED FISCAL NOTE PRINTED
2/06 2ND READING PASSED 49 0
2/08 3RD READING PASSED 43 6

TRANSMITTED TO HOUSE
2/21 REFERRED TO JUDICIARY
3/13 HEARING
3/13 COMMITTEE REPORT--BILL CONCURRED
3/27 2ND READING CONCURRED 72 23
3/29 3RD READING CONCURRED 70 27

RETURNED TO SENATE

1 *Senate* BILL NO. *207*
 2 INTRODUCED BY *Bob Brown, Hollyn HARP, Tim Connelly*
 3 *Mark Harding, Vaughn Walker, C. Smith, Jr.*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE

5 INSTALLATION AND MAINTENANCE OF SMOKE DETECTORS IN RENTAL
 6 UNITS; AMENDING SECTION 70-24-303, MCA; AND PROVIDING AN
 7 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 70-24-303, MCA, is amended to read:

11 ***70-24-303. Landlord to maintain premises -- agreement**
 12 **that tenant perform duties.** (1) A landlord shall:

13 (a) comply with the requirements of applicable
 14 building and housing codes materially affecting health and
 15 safety in effect at the time of original construction in all
 16 dwelling units where construction is completed after July 1,
 17 1977;

18 (b) make repairs and do whatever is necessary to put
 19 and keep the premises in a fit and habitable condition;

20 (c) keep all common areas of the premises in a clean
 21 and safe condition;

22 (d) maintain in good and safe working order and
 23 condition all electrical, plumbing, sanitary, heating,
 24 ventilating, air-conditioning, and other facilities and
 25 appliances, including elevators, supplied or required to be

1 supplied by him;

2 (e) provide and maintain appropriate receptacles and
 3 conveniences for the removal of ashes, garbage, rubbish, and
 4 other waste incidental to the occupancy of the dwelling unit
 5 and arrange for their removal; and

6 (f) supply running water and reasonable amounts of hot
 7 water at all times and reasonable heat between October 1 and
 8 May 1, except if the building that includes the dwelling
 9 unit is not required by law to be equipped for that purpose
 10 or the dwelling unit is so constructed that heat or hot
 11 water is generated by an installation within the exclusive
 12 control of the tenant; and

13 (g) install an approved smoke detector in each
 14 dwelling unit under his control. Following installation,
 15 the landlord shall maintain the smoke detector in working
 16 order. For purposes of this subsection, an approved smoke
 17 detector is a device that is capable of detecting visible or
 18 invisible particles of combustion and that bears a label or
 19 other identification issued by an approved testing agency
 20 having a service for inspection of materials and workmanship
 21 at the factory during fabrication and assembly.

22 (2) If the duty imposed by subsection (1)(a) of this
 23 section is greater than a duty imposed by subsections (1)(b)
 24 through (1)(g), a landlord's duty shall be determined
 25 by reference to subsection (1)(a).

1 (3) A landlord and tenant of a one-, two-, or
2 three-family residence may agree in writing that the tenant
3 perform the landlord's duties specified in subsections
4 (1)(e) and (1)(f) of this section and specified repairs,
5 maintenance tasks, alteration, and remodeling but only if
6 the transaction is entered into in good faith and not for
7 the purpose of evading the obligations of the landlord.

8 (4) A landlord and tenant of a one-, two-, or
9 three-family residence may agree that the tenant is to
10 perform specified repairs, maintenance tasks, alterations,
11 or remodeling only if:

12 (a) the agreement of the parties is entered into in
13 good faith and not for the purpose of evading the
14 obligations of the landlord and is set forth in a separate
15 writing signed by the parties and supported by adequate
16 consideration;

17 (b) the work is not necessary to cure noncompliance
18 with subsection (1)(a) of this section; and

19 (c) the agreement does not diminish the obligation of
20 the landlord to other tenants in the premises."

21 NEW SECTION. **Section 2.** Effective date --
22 applicability. This act is effective on passage and
23 approval and applies to all rental dwelling units after
24 January 1, 1990.

-End-

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By Chairman Hager, on February 1, 1989, at
1:00 p.m.

ROLL CALL

Members Present: Senators: Tom Hager, Chairman; Tom
Rasmussen, Vice Chairman, J. D. Lynch, Matt Himsl, Bill
Norman, Harry V. McLane

Members Excused: Bob Pipinich

Members Absent: None

Staff Present: Tom Gomez, Legislative Council
Dorothy Quinn, Committee Secretary

Announcements/Discussion: None

HEARING ON SENATE BILL 15

Presentation and Opening Statement by Sponsor: Senator Mike
Halligan, Senate District #29, advised that the
substance of the bill is that upon the sale or transfer
of ownership of a dwelling not otherwise required to
have a smoke detector, the seller shall certify that
the dwelling is equipped with a smoke detector. Cost
has never been a factor. The intent of the bill is to
make sure that mobile homes, as well as other
dwellings, are equipped with a smoke detector. He
believes some amendments are needed to clarify
liability if a smoke detector is not in place when the
transfer occurs. It is believed the certification
would be part of the realty transfer certificate that
is normally filed in every sale of property.

List of Testifying Proponents and What Group they Represent:

Closing by Sponsor:

Senator Halligan stated that education plays a vital role in implementation of this bill. It does not intend to force people to make this work, but they must use common sense. He advised there are about 26,000 transfers of property every year, and hopefully there will be more and more homes covered as the property transfers occur. He asked for favorable consideration of the bill.

HEARING ON SENATE BILL 207

Presentation and Opening Statement by Sponsor: Senator Bob Brown advised that he is the principal sponsor of the bill which requires the installation and maintenance of smoke detectors in rental units. There is an amendment in the law adding that a landlord must install an approved smoke detector in each dwelling under his control. This bill was prompted by a tragedy that occurred in Kalispell last fall where four members of the family died in a fire. He believes the need for this kind of legislation is great. He furnished a handout with statistical information which he reviewed. (Exhibit #1)

List of Testifying Proponents and What Group They Represent:

Tom Hopgood, Montana Association of Realtors
Lyle Nagel, Montana State Volunteer Firefighters Association
Tim Bergstrom, Montana State Council of Professional Firefighters and Montana State Firemen's Association
Ray Blehm, State Fire Marshal
Michael Sherwood, Montana Trial Lawyers Association
Chuck Stearns, City of Missoula

List of Testifying Proponents and What Group They Represent:

Julie Hacker, Missoula County Freeholders

Testimony:

Tom Hopgood stated that his group supports SB 207 since they feel that the installation of smoke detectors is something for which the landlord should be responsible. However, they also believe that his responsibility should be within the bounds of reason. As drafted, this bill not only requires the landlord to install the smoke detector, but also to maintain the smoke detector

in working order. The amendment his group proposes requires the landlord to install the smoke alarm and to verify it is in good working order upon the commencement of any new lease. Mr. Hopgood furnished a copy of the amendment to the committee (Exhibit #2).

Lyle Nagel stated he would like his association to go on record as supporting SB 207.

Tim Bergstrom stated that he would like his organizations to go on record as supporting SB 207.

Ray Blehm, State Fire Marshal, referred to the handout he furnished previously for SB 15. He went over the last three pages pointing out items that were pertinent to this bill. He stated the reason for pointing out this material is so the committee will understand that this bill does not add a whole new layer, but under the landlord-tenant section of the code the landlord now has the responsibility of supplying the smoke detector. He believes the bill will save lives, and seeks support for it.

Michael Sherwood stated that his group supports SB 207 on the same grounds that they supported SB 15.

Chuck Stearns, Finance Director and City Clerk of Missoula, stated that on behalf of Fire Chief Charles Gibson he would like to express support of SB 207 and added that this bill would be consistent with the area-wide fire master plan that was adopted within the past two years.

Julie Hacker stated that her group does not oppose the idea of smoke alarms or saving people's lives. They question the liability of the landlord, the guarantee that the equipment will be maintained in good working order; and they wonder what is the responsibility of our citizenship to have to look after the safety of themselves and their families. They question the need of expensive lawmaking to make people take care of themselves. She listed their concerns in Exhibit #3.

Questions From Committee Members:

Senator Hager asked how this bill can be enforced and what penalties might there be. Senator Brown responded that the enforcement is contained in the amendment. Mr. Hopgood advised that under the Landlord-Tenant Act the tenant is given certain remedies when the landlord does not maintain the dwelling as required under the act. The tenant may deliver a written notice to the landlord

listing the breach. The landlord must remedy the situation or the rental contract can be terminated. Senator Hager wondered if there is no option other than to terminate the rental agreement. Mr. Hopgood stated that the tenant can also recover any actual damages.

Senator Norman questioned the language of the amendment, as to the obligation of the landlord to see that the device is in good order when the tenant moves in, but no obligation to maintain it. Mr. Hopgood stated that if the smoke detectors were not in good order when they were installed, then the landlord would be in breach of his duty to the tenant.

Closing by Sponsor:

Senator Brown stated that for the record he would like to state that Kalispell City Fire Chief Ted Wagner and Building Inspector Duane Elkins had both planned to be present but because of the weather were unable to come. He added that they had planned to testify in support of SB 207.

HEARING ON SENATE BILL 204

Presentation and Opening Comments by Sponsor: Senator Bill Norman, Senate District #28, advised that this bill is a revision of current law relating to donating of bodily organs. This law is a new concept of adjusting to the reality of modern technology. These laws often require some additional amendment or clarification, and that is what this bill is directed towards. The amendments are addressed to the medical and also the legal aspects. The bill tries to ascertain the availability of the organs without violating the law or offending people or the rights of someone facing death.

List of Testifying Proponents and What Group They Represent:

Diana Dowling, Montana Commission on Uniform State Laws
Jerome Loendorf, Montana Medical Association
Elaine Shea, Montana Eye Bank
Steve Browning, Montana Hospital Association
Bill Leary, Self
Mickey Nelson, Montana Coroners Association
Joe Mazurek, Commissioner, National Conference on
Uniform State Laws

List of Testifying Opponents and What Group They Represent:

None

FEB 01 '89 22:55 IAFB HQ

P.11/21

SENATE HEALTH & WELFARE

EXHIBIT NO. 1DATE 2/1/89BILL NO. 207SB
207

①

FIRE PROBLEM FACTS

- 70% of those injuries occur in residential fires
- a large percentage of those injured will be fire fighters
- fire causes \$3 billion in property loss in residential structures alone
- 6,000 fire deaths annually
- 80% of these occur in residences (apartments, townhouses, hotels, motels and single family homes)
- 50% of those killed by fire are the elderly, handicapped, intoxicated or children
- on an average four children die each day from fire
- most victims die from toxic fumes, not from being burned
- 70% of fatal residential fires originate in bedrooms or living rooms
- smoking is the leading cause of fatal residential fires
- a significant percentage of fire fighter deaths result from residential fires
- over 250,000 people are injured by fire each year
- annually, fire services, fire losses, including insurance and business interruption, etc. costs \$36 to \$45 billion.
- each year 125,000 people suffer the psychological trauma of fire
- over 2.5 million fires are reported each year
- 500,000 of those occur in residential structures
- 25% of existing homes are not protected by smoke detectors
- less than 1% are protected with sprinkler systems
- only 2,000 hotels and motels out of 57,000 have sprinkler systems
- the presence of smoke detectors in a fire will increase the chances of survival by 50%
- the presence of fast-response sprinklers and smoke detectors in a fire will increase the chance of survival by 74%

The above description of the fire problem and the available facts apply to the United States as a whole. Individual states and communities will differ, therefore, programs to solve the problem should be tailored to the individual states or communities.

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 2/1/89

BILL NO. 207

SENATE BILL 207

AMENDMENT

1. Page 2, line 13.

Subsection (g): (g) install an approved smoke detector in each dwelling unit under his control. Following installation, the landlord shall maintain the smoke detector in working order. THE LANDLORD IS TO VERIFY UPON COMMENCEMENT OF ANY LEASE AGREEMENT FOR ANY DWELLING UNIT UNDER HIS CONTROL THAT THE SMOKE DETECTOR IS IN GOOD WORKING ORDER. For purposes of this subsection, an approved smoke detector is a device that is capable of detecting visible or invisible particles of combustion and that bears a label or other identification issued by an approved testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

WITNESS STATEMENT

NAME: Julie Hackie

SENATE HEALTH & WELFARE
DATE: _____

EXHIBIT NO. 3

ADDRESS: Bonner

DATE 2/1/89

BILL NO. #207

PHONE: _____

REPRESENTING WHOM? Msla. Co. Truckers

APPEARING ON WHICH PROPOSAL: SB 207

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

1. Liability is not established in this bill

2. What if any responsibility do people (tenants) have to look after the safety & welfare of themselves & their family

3. What guarantee is there that the equipment will be maintained in good working order.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Not read at Hearing (46)

②

SENATE HEALTH & WELFARE
EXHIBIT NO. _____
DATE _____
BILL NO. 2/1/89

To: Members of the Committee

From: Brian McCullough, a landlord
2539 South Ridge
Helena Montana

Re: SB 207 Requiring Smoke Detectors

I am in support of the concept in this bill.

My question is the lack of equity in not requiring this as a building standard in all dwelling units. Whenever a property is sold it must be checked by the local building inspector city/county to insure that the proper smoke detector is in place.

I do not feel it is fair to single out one segment of the population to insure that they have protection of smoke detectors nor is it fair to single out one type of property owner to insure that have to make improvements that other property owners do not have to make.

Thank you for your time and fair consideration of this important issue.

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
FIRE MARSHAL BUREAU

Room 371, Scott Hart Building, 303 North Roberts, Helena, Montana 59620-1417 (406) 444-2050

5B207 / 5B15 8
SENATE HEALTH & WELFARE
EXHIBIT NO. _____
DATE 2/1/89
BILL NO. 5B 15

(MFIRS) MONTANA FIRE INFORMATION REPORTING SYSTEM

RESIDENTIAL PROPERTY - MONTANA / U.S.

NO DETECTORS PRESENT

	<u>MONTANA</u>	<u>UNITED STATES</u>	<u>DIFFERENCE</u>
1982 -----	79.75		
1984 -----	64.67	48.48	16.19%
1985 -----	64.25	43.61	21.64%
1987 -----	41.65	38.12	3.53%

FM1010.89

EXCEPTIONS:

1. Sprinklers are not required in bathrooms not greater than 55 square feet.

2. Sprinklers are not required in guest rooms which have direct exit to the exterior of the building, when such building has all floors used for human occupancy located less than 75 feet above the lowest level of fire department vehicle access.

1002.9.2 USE GROUP R-2: In all buildings or structures or portions thereof Use Group R-2.

Exception:

Sprinklers are not required in bathrooms not greater than 55 square feet area.

Smoke Detectors

A 1988 study has revealed that fire deaths have been reduced by 62 percent in the 10 years since Montgomery County, Maryland, required smoke detectors in all residential properties. During that time, no one has died in a house fire where detectors were properly located and maintained and where occupants have evacuated when the detector warning sounded, according to Fire Education Specialist Mary Marchone. The population of Montgomery County is 680,000.

County fire officials became convinced in the early 70's that the number of residential fire deaths could be significantly reduced if smoke detectors were required. At the time, however, detectors were unattractive, expensive, and unproven. As smoke detector technology improved and costs decreased, County officials pushed to pass a law that would reduce fire deaths. On September 14, 1976 Montgomery County was the first jurisdiction of its size to adopt a law requiring

the installation of smoke detectors in all residences. The smoke detector law went into effect July 1, 1978.

Once the County Council passed the law, the Department of Fire and Rescue Services began an extensive public education campaign with the cooperation of the media, the public schools and the community. The County provided 1,100 smoke detectors to low-income families and gave advice on how to install and maintain them.

In 1984 a study conducted in Montgomery County, MD and Fairfax County, VA by Johns Hopkins School of Public Health concluded that laws requiring installation of smoke detectors in all homes could reduce the risk of fire deaths, because homeowners generally comply. In both counties, the study found that people who knew or assumed that smoke detectors were required by law were more likely to have them.

The law requires that owners install a smoke detector outside of sleeping areas and in stairways leading to occupied areas. Owners who do not have detectors or who fail to keep their detectors in working order can be fined up to \$250.00. Fire officials caution that many households may have detectors which are not working or are poorly maintained.

Fire officials are currently educating the public on the importance of checking smoke detectors periodically to assure that they are working properly. The County also provides smoke detectors to the elderly and low-income families. Legislation is currently pending that would require smoke detectors on every story of a residence.

Article from: *Communications Link*, ISFSI, Vol IX, Issue 25, 6/28/88.

Correction:

In the June issue we printed that there had been a complete burnout of an 11 story structure. The Poudre Fire Authority in Colorado advised us that in actuality it was the burnout of a room within the structure. Please pardon our error.

Smoke Detector Program Saves Lives

Becky Baker, Building Official, City of Federal Heights, Colorado, reports that on March 11, 1988, firefighters from Federal Heights Fire Department installed a free smoke detector in the home of Catherine Hutchinson, age 80, as part of a Smoke Detector Program in which each city resident is personally contacted by firefighters to determine if they need a detector. Two hours after firefighters installed the new detector in her home, a fire broke out in Mrs. Hutchinson's kitchen. The alarm sounded, alerting Mrs. Hutchinson and she was able to extinguish the fire before any significant damage was done.

According to Ms. Baker, the detectors were purchased through a grant from Community Development Block Grant Monies by the Thornton Fire Department, a neighboring jurisdiction. An agreement between the two departments made it possible for the City of Federal Heights to complete the second phase of its residential detector program—the first phase was initiated by the Business Department and covered all apartments.

Ms. Baker noted that not only does this incident offer support for establishing a smoke detector program, it demonstrates what positive results can be achieved when all city fire departments work together.

Note: Article from, *Building Standards*, May-June 1988.

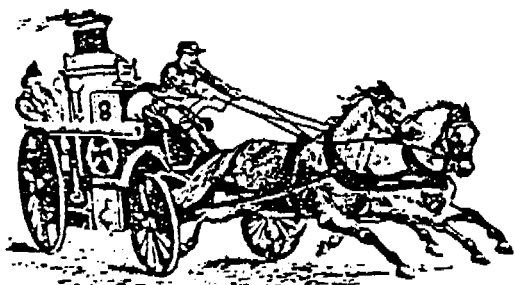
Fire Services Caucus Receives Education on Sprinklers and OLS

Jim Dalton, Director, Operation Life Safety, recently participated in a Fire Services Caucus Seminar in Washington, D.C. The seminar and luncheon, sponsored by the National Fire Sprinkler Association, was held at the Rayburn House Office Building on August 2, 1988, and attracted a number of members of the Congressional Fire Services Caucus.

Program presentors included John A. Vinello, President, National Fire Sprinkler Association, John "Sonny" Scarff, Director of Fire Protection, Marriot Corporation, Jim Dalton from OLS, and Ken Lauzier of the Architect of the Capitol's Office. Congressman Curt Weldon (R-PA) moderated the session and asked associates Congressman Doug Walgren (D-PA) and Sherwood Boehlert (R-NY) to speak to the group.

The Congressional Fire Services Caucus, initiated by freshman Representative Curt Weldon (R-PA), hopes to provide a much needed federal focus on fire problems in the United States. Over 200 Senators and Representatives from both parties have joined together on this non-partisan issue, making this the third largest caucus on Capitol Hill.

Seminar attendees included Clyde Bragdon of the U.S. Fire Administration; Garry Briese, Executive Director, International Association of Fire Chiefs; and Ed McCormack, Executive Director of the International Society of Fire Service Instructors.



The Race for 2nd Vice President is on!

See Pages 4 through 7 for

The Candidates Positions on OLS

PROJECT SMOKE DETECTOR

Would you believe that every single family residence in Takoma Park, Maryland, has an operating smoke detector? Well, it's true. In a public fire safety education program that took 2 1/2 years to complete, members of the Takoma Park Volunteer Fire Department inspected every home in its first due area for compliance with the Montgomery County smoke detector ordinance. That effort found career and volunteers of the department visiting 3,575 homes to survey, inspect, replace batteries and give away smoke detectors.

How did this program come about? In early 1984 a comparative study of smoke detectors was done between Fairfax County Virginia, and Montgomery County, Maryland to determine the effect a community with compliance (Montgomery) and one without a mandatory law. Part of that study included a random survey of properties in each county. In Montgomery County, it was shown that older properties, built before the smoke detector law was passed, had a high percentage of non-compliance. Another important part of the study found that many of the detectors in place did not function. Most of the single station battery type failed because of a dead battery.

PEORIA ADOPTS ORDINANCE

The City of Peoria, Illinois has recently adopted an ordinance requiring all buildings except R3 and Group M above 2500 square feet or above two stories to be equipped with an automatic sprinkler system. This ordinance allows smaller buildings with low-hazard occupancies to utilize plastic approved pip-

ing. To enhance the ordinance's effectiveness, fire walls in these buildings have been increased from two- to four-hour rating. No trade off or reduction in access, water supply, or other constructions features has been implemented.

JOINT FIRE RESEARCH UNDERWAY (The National Scene)

The Center for Fire Research at the National Bureau of Standards and the Gypsum Association are conducting a joint research project at the center in Gaithersburg, Maryland.

A fire protection engineer from the Gypsum Association is working at the center to develop computer models which predicts the effects of fire on wall assemblies. The association is particularly interested in studying how effectively gypsum wall board acts as a fire barrier.

The Gypsum Association, headquartered in Evanston, Illinois, conducts technical research programs in fire, sound and structural testing of gypsum products and related accessories.

The fire protection engineer will be at the fire research center for approximately two years under the bureaus Research Associate Program.

This program provides an opportunity for people from industry, universities, technical societies and other organizations to conduct cooperative research at the bureau on programs of mutual interest, with salaries paid by sponsors.

For additional information contact: Jan Kosko, National Bureau of Standards Gaithersburg, MD 20899.

Sec. 410. No definitions.

Sec. 411. JURISDICTION, as used in this code, is any political subdivision which adopts this code for administrative regulations within its sphere of authority.

Sec. 412. No definitions.

Sec. 413. LINTEL is a structural member placed over an opening or a recess in a wall and supporting construction above.

LIQUID is any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with the Uniform Fire Code Standards. When not otherwise identified, the term "liquid" is both flammable and combustible liquids.

LIQUID STORAGE ROOM is a Group H, Division 2 Occupancy in which the quantities of flammable or combustible liquids do not exceed the limits set forth in the Fire Code.

LIQUID STORAGE WAREHOUSE is a Group H, Division 2 Occupancy used for the storage of flammable or combustible liquids in an unopened condition only in unlimited quantities.

LISTED and **LISTING** are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and whose listing states that the equipment complies with recognized safety standards.

LOADS. See Chapter 23.

LODGING HOUSE is any building or portion thereof containing not more than five guest rooms, where rent is paid in money, goods, labor or otherwise.

Sec. 414. MARQUEE is a permanent roofed structure attached to and supported by the building and projecting over public property. Marquees are regulated in Chapter 45.

MASONRY is that form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

MASONRY, SOLID, is masonry of solid units built without hollow spaces.

MECHANICAL CODE is the Uniform Mechanical Code promulgated jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as adopted by this jurisdiction.

GUEST is any person hiring or occupying a room for living or sleeping purposes.

GUEST ROOM is any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

H

Sec. 409. HABITABLE SPACE (ROOM) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

HAZARDOUS PRODUCTION MATERIAL (HPM) is a solid, liquid or gas that has a degree of hazard rating in health, flammability or reactivity of 3 or 4 as ranked by U.F.C. Standard No. 79-3 and which is used directly in research, laboratory or production processes which have, as their end product, materials which are not hazardous.

HEIGHT OF BUILDING is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than 10 feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

HELIPORT is an area of land or water or a structural surface which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

HELISTOP is the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

HORIZONTAL EXIT. See Section 3301 (b).

HOTEL is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

HOT-WATER SUPPLY BOILER is a boiler having volume exceeding 120 gallons, or a heat input exceeding 200,000 Btu/h, or an operating temperature exceeding 200°F that provides hot water to be used externally to itself.

HPM STORAGE ROOM is a room used for the storage or dispensing of hazardous production material (HPM) and which is classified as Group H, Division 1 or Division 2 Occupancies.

Existing buildings other than high-rise

APPENDIX I-A

UNIFORM FIRE CODE

B head above the openings on the tenant side. The sprinkler system may be supplied
B from the domestic water supply if of adequate volume and pressure.

B 3. Vertical openings need not be protected if the building is protected by an
B approved automatic sprinkler system.

B 4. BASEMENT ACCESS OR SPRINKLER PROTECTION

B An approved automatic sprinkler system shall be provided in basements or
B stories exceeding 1500 square feet in area and not having a minimum of 20 square
B feet of opening entirely above the adjoining ground level in each 50 lineal feet or
B fraction thereof of exterior wall on at least one side of the building. Openings shall
B have a minimum clear dimension of 30 inches.

B If any portion of a basement is located more than 75 feet from required
B openings, the basement shall be provided with an approved automatic sprinkler
B system throughout.

B 5. STANDPIPES

B Any buildings over four stories in height shall be provided with an approved
B Class I or Class III standpipe system.

B 6. SMOKE DETECTORS

Smoke detectors conforming to U.B.C. Standard No. 43-6 shall be installed in
dwelling units and guest rooms of Group R, Division 1 Occupancies and in
lodging houses of Group R, Division 3 Occupancies. Detectors shall be centrally
located on the ceiling or wall of the main room or sleeping area. Where sleeping
rooms are on an upper level, the detector shall be placed at the center of the ceiling
directly above the stairway. All detectors shall be located in accordance with
approved manufacturer's instructions. When actuated, the detector shall provide
an alarm within the dwelling unit or guest room.

Required smoke detectors shall receive their primary power from the building
wiring when such wiring is serviced from a commercial source. Wiring shall be
permanent and without a disconnecting switch other than those required for
overcurrent protection. When approved, battery-operated smoke detectors may
be installed.

B 7. SEPARATION OF OCCUPANCIES

B Occupancy separations shall be provided as specified in Section 503 of the
B Building Code. When approved by the chief, existing wood lath and plaster in
B good condition or 1/2-inch gypsum wallboard may be acceptable where one-hour
occupancy separations are required.

exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

(b) **Floor Area.** Every dwelling unit shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms except kitchens shall have an area of not less than 70 square feet. Efficiency dwelling units shall comply with the requirements of Section 1208.

(c) **Width.** Habitable rooms other than a kitchen shall be not less than 7 feet in any dimension.

Efficiency Dwelling Units

Sec. 1208. An efficiency dwelling unit shall conform to the requirements of the code except as herein provided:

1. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

Shaft Enclosures

Sec. 1209. Exits shall be enclosed as specified in Chapter 33.

Elevator shafts, vent shafts, dumbwaiter shafts, clothes chutes and other vertical openings shall be enclosed and the enclosure shall be as specified in Section 1706.

Fire-warning and Sprinkler Systems

Sec. 1210 (a) Fire-warning Systems. Every dwelling unit and every guest room in a hotel or lodging house used for sleeping purposes shall be provided with smoke detectors conforming to U.B.C. Standard No. 43-6. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. In an efficiency dwelling unit, hotel sleeping room and in hotel suites, the detector shall be centrally located on the ceiling of the main room or hotel sleeping room. Where

sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. All detectors shall be located in accordance with approved manufacturer's instructions. When actuated, the detector shall provide an alarm in the dwelling unit or guest room.

When the valuation of an addition or repair to a Group R, Division 3 Occupancy exceeds \$1,000.00, or when one or more sleeping rooms are added or created in existing Group R, Division 3 Occupancies, the entire building shall be provided with smoke detectors located as required for new Group R, Division 3 Occupancies.

In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be battery operated when installed in existing buildings, or in buildings without commercial power, or in buildings which undergo alterations, repairs or additions regulated by the second paragraph of this section.

A smoke detector shall be installed in the basement of dwelling units having a stairway which opens from the basement into the dwelling. Such detector shall be connected to a sounding device or other detector to provide an alarm which will be audible in the sleeping area.

(b) **Sprinkler and Standpipe Systems.** When required by other provisions of this code, automatic sprinkler systems and standpipes shall be installed as specified in Chapter 38.

Heating

Sec. 1211. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70°F. at a point 3 feet above the floor in all habitable rooms.

Special Hazards

Sec. 1212. Chimneys and heating apparatus shall conform to the requirements of Chapter 37 and the Mechanical Code.

The storage and handling of gasoline, fuel oil or other flammable liquids in Division 1 Occupancies shall be in accordance with the Fire Code.

In Division 1 Occupancies, doors leading into rooms in which Class I flammable liquids are stored or used shall be protected by a fire assembly having a one-hour fire-protection rating. Such fire assembly shall be self-closing and shall be posted with a sign on each side of the door in 1-inch block letters stating: FIRE DOOR—KEEP CLOSED.

Every room containing a boiler, central heating plant or hot-water supply boiler in Division 1 Occupancies shall be separated from the rest of the building by not less than a one-hour fire-resistive occupancy separation.

EXCEPTION: A separation shall not be required for such rooms with equipment serving only one dwelling unit.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH

Date 2/1/89 Bill No. SB 15 Time 1:00 pm
SB 207
SB 204

NAME	YES	NO
SEN. TOM HAGER	X	
SEN. TOM RASMUSSEN	X	
SEN. LYNCH	X	
SEN. HIMSL	X	
SEN. NORMAN	X	
SEN. McLANE	X	
SEN. PIPINICH	Excused	

Louise Sullivan
Secretary

Sen. Tom Hager
Chairman

Motion: _____

COMMITTEE ON

DATE

2/1/89

Public Health

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Diana Dowling	Uniform Law Comm	SB204	X	
Elaine Shea	Montana Eye Bank	SB204	X	
Ray Blehm	St Joe Marshal	SB207	X	
"	"	SB 15	X	
Jyle Nagel	Mt. St. Vol. Firefight Assn	SB15	X	
"	"	SB207	X	
Kera Carlson	Miss. Co. Fireholders	15		X
Jerome T Loerdert	M.M.A	204	X	
Luks Wacker	Miss. Co. Fireholders	SB207		X
Steve Browning	Montana Hospital Assn.	SB204		X
M.E. "Mickey" Nelson	MT Coroner Assn.	SB204	X	
Tim BERGSTROM	MT. STATE COUNCIL PROFESSIONAL FIREFIGHTERS	SB 15	X	
	MT. STATE FIREMENS ASSOC.	SB207		
Chude Stearns	City of Missoula	SB 15		
		SB207	X	
Tom Hoggard	Mt. Assoc. of Realtors	SB 15		
		SB207		AMEND.
EVE PHILLIPS	Mt. Land Title Assoc	SB15		
od Harrington	Mt. Ass of Clert & Rec	SB15	Support	amend
Steve Mandeville	Anderson Heller Inc	SB207		
B.G. Brown	Sen Dist #2	SB207		
		" 15	X	
Mike Sherwood	MTLA	SB207		
		SB 15	X	

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH

Call to Order: By CHAIRMAN HAGER, on FEBRUARY 3, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Tom Hager, Tom Rasmussen, John "J.D." Lynch, Matt Himsl, Bill Norman, Harry "Doc" McLane, Bob Pipinich

Members Excused: None

Members Absent: None

Staff Present: Tom Gomez, Legislative Council

Announcements/Discussion: CHAIRMAN HAGER announced the hearing of Senate Bill 212 and Senate Bill 295, and being the Sponsor of those two bills, he turned the chair over to Vice Chairman Rasmussen.

HEARING ON SENATE BILL 212

Presentation and Opening Statement by Sponsor: SENATOR HAGER, District 48 stated that Senate Bill 212 was introduced at the request of the LP Gas Association.

List of Testifying Proponents and What Group they Represent:

Jack Brown, Petrolane and MT-WY LP Gas Association

Testimony:

JACK BROWN representing Petrolane and the Montana-Wyoming Gas Association gave support for Senate Bill 212. SEE EXHIBIT 1. He also distributed survey sheets for the Committee Members to review. SEE EXHIBIT 2.

Recommendation and Vote: SENATOR LYNCH MOVED that SENATE BILL 143 DO PASS AS AMENDED. SENATOR MCLANE SECONDED.

MOTION PASSED 4-3 with SENATORS: Hager, Hims1 and Norman OPPOSING.

DISPOSITION OF SENATE BILL 74

Discussion: CHAIRMAN HAGER informed the Committee that this was the bill that Senator Story had asked to hold up on because of some concerns with the bill. Senator Story and Senator Regan agreed on the amendments that have been proposed by Senator Story. SEE EXHIBIT 6.

Amendments and Votes: SENATOR MCLANE MOVED the amendments for Senate Bill 74.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR MCLANE MOVED SENATE BILL 74 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 15

Discussion: The suggested amendments were discussed. They were proposed by the Clerk and Recorders and by Tom Hopgood, who represented the realtors. SEE EXHIBIT 7.

Amendments and Votes: SENATOR MCLANE MOVED the amendments for Senate Bill 15.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR LYNCH MOVED that Senate Bill 15 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 207

Discussion: CHAIRMAN HAGER informed the Committee of amendments for Senate Bill 207. SEE EXHIBIT 8.

Amendments and Votes: SENATOR NORMAN MOVED the amendments for Senate Bill 15 which is to also include the title.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR MCLANE MOVED that SENATE BILL 207 DO PASS AS AMENDED.

MOTION PASSED 4-3 with SENATORS: Pipinich, Rasmussen and Hager OPPOSING.

DISPOSITION OF SENATE BILL 26

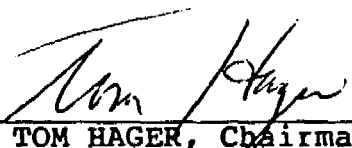
Discussion: SENATOR WEEDING stated that the PAs and his group have retreated from the licensure part which is the first 9 sections. We have settled for certification. We have also retreated from the Associate Membership on the Board of Medical Examiners and substituted some language taken from another Act that will establish a non-voting liaison member to be seated as a member of the Montana Association of PAs. We also have to define that a PA Assistant is an agent of the Physician so that the nurses feel a little more comfortable in accepting orders that emanate from the PACs. To augment that, the Board of Nursing has agreed to issue a memo to their membership that rescinds one that went out in 1983 that cautions them about the liability of accepting orders from a PA.

CHAIRMAN HAGER stated that it would be to the benefit of the Committee to get a grey bill drawn.

TOM GOMEZ informed the Committee that the Governor has requested that a fiscal note be attached to SB 26. The Committee will come back to SB 26 on Monday, February 6, 1989.

ADJOURNMENT

Adjournment At: 2:15 p.m.



SENATOR TOM HAGER, Chairman

TH/pb

senmin.203

Amendments to Senate Bill No. 207
First Reading Copy

For the Senate Public Health, Welfare and Safety Committee

Prepared by Tom Gomez, Staff Researcher
February 3, 1989

1. Page 2, lines 14 through 16.

Following: "control." on line 14

Strike: remainder of line 14 through "order." on line 16.

Insert: "Upon commencement of a rental agreement, the landlord shall verify that the smoke detector in the dwelling unit is in good working order."

SENATE STANDING COMMITTEE REPORT

February 4, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration SB 207 (first reading copy -- white), respectfully report that SB 207 be amended and as so amended do pass:

1. Title, line 5.

Following: "INSTALLATION"

Strike: "AND MAINTENANCE"

2. Page 2, lines 14 through 16.

Following: "control." on line 14

Strike: remainder of line 14 through "order." on line 16.

Insert: "Upon commencement of a rental agreement, the landlord shall verify that the smoke detector in the dwelling unit is in good working order."

AND AS AMENDED DO PASS

Signed: _____

Thomas O. Hager
Thomas O. Hager, Chairman

SENATE BILL NO. 207

INTRODUCED BY B. BROWN, HALLIGAN, HARP, HIMSL,
CONNELLY, DARKO, HARDING, VAUGHN, WALLIN, COHEN,
SMITH, LEE, R. NELSON, MERCER, OWENS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
INSTALLATION ~~AND--MAINTENANCE~~ OF SMOKE DETECTORS IN RENTAL
UNITS; AMENDING SECTION 70-24-303, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-24-303, MCA, is amended to read:

**"70-24-303. Landlord to maintain premises -- agreement
that tenant perform duties.** (1) A landlord shall:

(a) comply with the requirements of applicable
building and housing codes materially affecting health and
safety in effect at the time of original construction in all
dwelling units where construction is completed after July 1,
1977;

(b) make repairs and do whatever is necessary to put
and keep the premises in a fit and habitable condition;

(c) keep all common areas of the premises in a clean
and safe condition;

(d) maintain in good and safe working order and
condition all electrical, plumbing, sanitary, heating,

ventilating, air-conditioning, and other facilities and
appliances, including elevators, supplied or required to be
supplied by him;

(e) provide and maintain appropriate receptacles and
conveniences for the removal of ashes, garbage, rubbish, and
other waste incidental to the occupancy of the dwelling unit
and arrange for their removal; and

(f) supply running water and reasonable amounts of hot
water at all times and reasonable heat between October 1 and
May 1, except if the building that includes the dwelling
unit is not required by law to be equipped for that purpose
or the dwelling unit is so constructed that heat or hot
water is generated by an installation within the exclusive
control of the tenant; and

(g) install an approved smoke detector in each
dwelling unit under his control. ~~Following installation, the
landlord shall maintain the smoke detector in working order.~~
UPON COMMENCEMENT OF A RENTAL AGREEMENT, THE LANDLORD SHALL
VERIFY THAT THE SMOKE DETECTOR IN THE DWELLING UNIT IS IN
GOOD WORKING ORDER. THE TENANT SHALL MAINTAIN THE SMOKE
DETECTOR IN GOOD WORKING ORDER DURING THE TENANT'S RENTAL
PERIOD. For purposes of this subsection, an approved smoke
detector is a device that is capable of detecting visible or
invisible particles of combustion and that bears a label or
other identification issued by an approved testing agency

1 having a service for inspection of materials and workmanship
 2 at the factory during fabrication and assembly.

3 (2) If the duty imposed by subsection (1)(a) of this
 4 section is greater than a duty imposed by subsections (1)(b)
 5 through ~~(1)(f)~~ (1)(g), a landlord's duty shall be determined
 6 by reference to subsection (1)(a).

7 (3) A landlord and tenant of a one-, two-, or
 8 three-family residence may agree in writing that the tenant
 9 perform the landlord's duties specified in subsections
 10 (1)(e) and (1)(f) of this section and specified repairs,
 11 maintenance tasks, alteration, and remodeling but only if
 12 the transaction is entered into in good faith and not for
 13 the purpose of evading the obligations of the landlord.

14 (4) A landlord and tenant of a one-, two-, or
 15 three-family residence may agree that the tenant is to
 16 perform specified repairs, maintenance tasks, alterations,
 17 or remodeling only if:

18 (a) the agreement of the parties is entered into in
 19 good faith and not for the purpose of evading the
 20 obligations of the landlord and is set forth in a separate
 21 writing signed by the parties and supported by adequate
 22 consideration;

23 (b) the work is not necessary to cure noncompliance
 24 with subsection (1)(a) of this section; and

25 (c) the agreement does not diminish the obligation of

1 the landlord to other tenants in the premises."

2 NEW SECTION. Section 2. Effective date --
 3 applicability. This act is effective on passage and
 4 approval and applies to all rental dwelling units after
 5 January 1, 1990.

-End-

STATUS SHEET
57st LEGISLATIVE SESSION

Business & Economic Development COMMITTEE

BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
SB443	2/28	3/9	3/9					3/9			
438	↓	3/9	3/9					3/9			
18	2/21 3/14	3/8 3/20	3/9 3/20					3/9 3/18			
138	2/28	3/13	3/13 TABLED								
207	2/21	3/1	3/14							3/14	
87	2/21 3/8	3/2 3/10	3/7						3/7		
150	2/28	3/2	3/2					3/2			
310	2/28	3/2	3/2					3/2			
298	2/21	3/3	3/3							3/3	
175	2/28	3/3	3/3					3/3			
330	↓	3/3	3/3					3/3			
365	↓	3/3	3/3					3/3			
366	↓	3/3	3/3					3/3			
182	2/28 3/14	3/6 3/20	3/9 3/20							3/9 3/20	

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By Rep. Bob Pavlovich, on March 1, 1989, at 8:30 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Paul Verdon and Sue Pennington

Announcements/Discussion: None

HEARING ON SENATE BILL 115

Presentation and Opening Statement by Sponsor:

Sen. Lynch, Senate District 34, Butte/Silver Bow, Anaconda/Deer Lodge. This bill creates a reverse annuity mortgage loan program; and authorizes the board of housing to make reverse annuity mortgage loans.

Testifying Proponents and Who They Represent:

Dick Kain, Administrator, MT Board of Housing
Hank Hudson, Legal Services Developer, Seniors Office,
Department of Family Services
LeDean Lewis, American Association of Retired Persons

Proponent Testimony:

See exhibit 3 for Mr. Kain's testimony.

See exhibit 1 for Mr. Hudson's testimony.

See exhibit 2 for Ms Lewis's testimony.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

HEARING ON SENATE BILL 207

Presentation and Opening Statement by Sponsor:

Sen. Brown stated that this bill requires the installation of smoke detectors in rental units; and provides an immediate effective date and an applicability date. See exhibit 1 submitted by Sen. Brown.

Testifying Proponents and Who They Represent:

Howard Gipe, Flathead County, Kalispell
Tim Bergstrom, MT State Firemen's Association
Lyle Nagle, MT State Volunteer Firefighter's Association
Ray Blehm, State Fire Marshall
Tom Hopgood, MT Realtors Association

Proponent Testimony:

Mr. Gipe said he was involved for 25 years with the highway patrol and there were many times while I stood by helpless, people lost there lives in fires. I'm sure you all know we lost a lady and her two small children in Flathead County. The people of Flathead County started a program "Alarms for Life", free smoke alarms will be installed in all residences in Flathead County. There has been approximately \$15,000 donated to the program so far. We in Flathead County have a strong feeling for this bill. We ask a do pass on SB 207.

Mr. Bergstrom stated that he has been a firefighter for the city of Billings for the past 15 years. In the last several months the city of Billings has incurred 3 fire deaths. In the two structure fire deaths, one was caused by an improperly installed heating device and severe smoke in the other incident. Both of these fire deaths occurred while the victims were sleeping. The Billings fire department believe had a smoke detector been installed and operating these people would have had a 50-50 chance to survive.

Mr. Nagle stated that his testimony has been covered by the others and he asks the support of the committee for SB 207.

For Mr. Blehm's testimony see exhibit 2.

Mr. Hopgood stated that the MT Realtors Association supports this bill.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Sen. Brown closed.

HEARING ON SENATE BILL 27

Presentation and Opening Statement by Sponsor:

Sen. Meyer stated that SB 27 will clean up some minor errors and irregularities in the securities act of Montana. There is a short amendment submitted by the state auditor's office.

Testifying Proponents and Who They Represent:

Jim Weg, MT Securities Department

Proponent Testimony:

See exhibit 2 for Mr. Weg's testimony.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Rep. Pavlovich said the sponsor has left.

HEARING ON HOUSE BILL 736

Presentation and Opening Statement by Sponsor:

Rep. Gould stated that HB 736 will permit a person to register fleet vehicles for a 6-month period; and provides an applicability date and an effective date. I support the amendment being presented by Mr. Akey.

Testifying Proponents and Who They Represent:

Larry Akey, MT Car Rental Association
Steve Turkiewicz, MT Auto Dealers Association

Proponent Testimony:

Mr. Akey said my association is made up of small independent businesses. All the car rental agencies are independent

FEB 01 '89 22:55 IAFC HQ

P.11/21

II 1
SB 207
3/1/89

FIRE **PROBLEM FACTS**

- 70% of those injuries occur in residential fires
- a large percentage of those injured will be fire fighters
- fire causes \$3 billion in property loss in residential structures alone
- 6,000 fire deaths annually
- 80% of these occur in residences (apartments, townhouses, hotels, motels and single family homes)
- 50% of those killed by fire are the elderly, handicapped, intoxicated or children
- on an average four children die each day from fire
- most victims die from toxic fumes, not from being burned
- 70% of fatal residential fires originate in bedrooms or living rooms
- smoking is the leading cause of fatal residential fires
- a significant percentage of fire fighter deaths result from residential fires
- over 250,000 people are injured by fire each year
- annually, fire services, fire losses, including insurance and business interruption, etc. costs \$36 to \$45 billion.
- each year 125,000 people suffer the psychological trauma of fire
- over 2.5 million fires are reported each year
- 500,000 of those occur in residential structures
- 25% of existing homes are not protected by smoke detectors
- less than 1% are protected with sprinkler systems
- only 2,000 hotels and motels out of 57,000 have sprinkler systems
- the presence of smoke detectors in a fire will increase the chances of survival by 50%
- the presence of fast-response sprinklers and smoke detectors in a fire will increase the chance of survival by 74%

The above description of the fire problem and the available facts apply to the United States as a whole. Individual states and communities will differ, therefore, programs to solve the problem should be tailored to the individual states or communities.

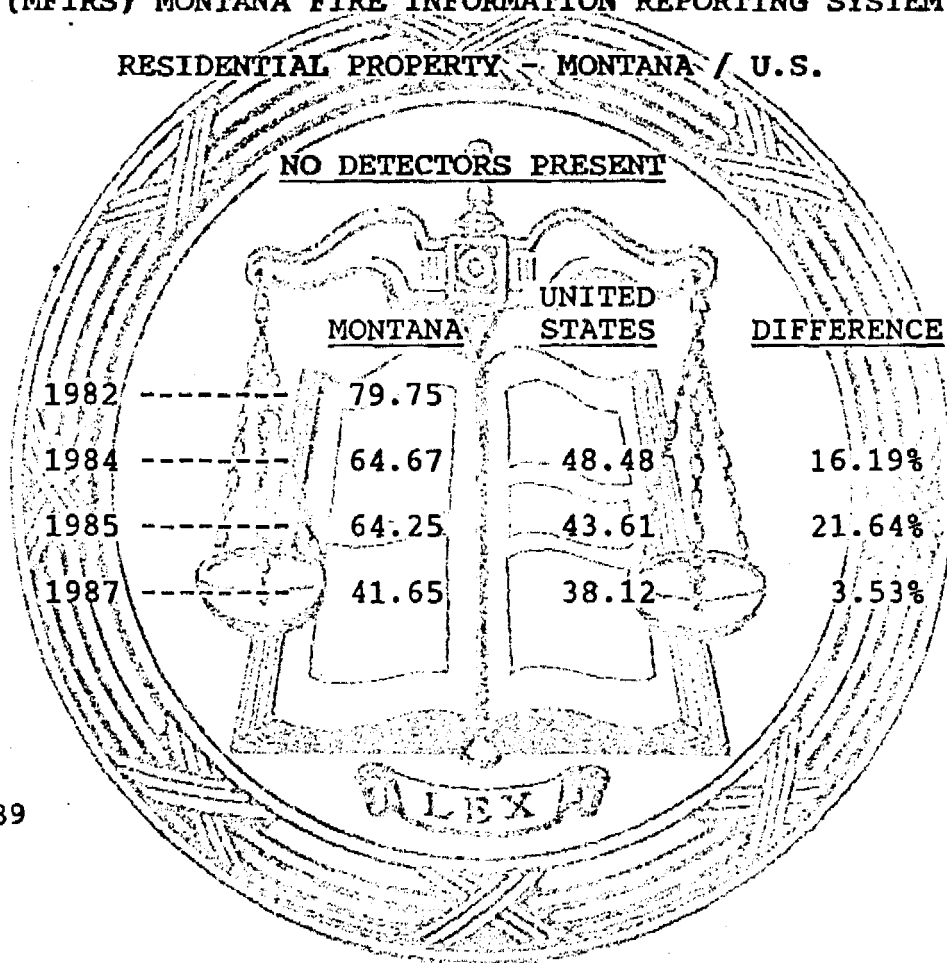
Ray Blehm
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STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
FIRE MARSHAL BUREAU

Room 371, Scott Hart Building, 303 North Roberts, Helena, Montana 59620-1417 (406) 444-2050

(MFIRS) MONTANA FIRE INFORMATION REPORTING SYSTEM

RESIDENTIAL PROPERTY - MONTANA / U.S.



FM1010.89

EXCEPTIONS:

1. Sprinklers are not required in bathrooms not greater than 55 square feet.

2. Sprinklers are not required in guest rooms which have direct exit to the exterior of the building, when such building has all floors used for human occupancy located less than 75 feet above the lowest level of fire department vehicle access.

1002.9.2 USE GROUP R-2: In all buildings or structures or portions thereof Use Group R-2.

Exception: :

Sprinklers are not required in bathrooms not greater than 55 square feet area.

Smoke Detectors

A 1988 study has revealed that fire deaths have been reduced by 62 percent in the 10 years since Montgomery County, Maryland, required smoke detectors in all residential properties. During that time, no one has died in a house fire where detectors were properly located and maintained and where occupants have evacuated when the detector warning sounded, according to Fire Education Specialist Mary Marchone. The population of Montgomery County is 680,000.

County fire officials became convinced in the early 70's that the number of residential fire deaths could be significantly reduced if smoke detectors were required. At the time, however, detectors were unattractive, expensive, and unproven. As smoke detector technology improved and costs decreased, County officials pushed to pass a law that would reduce fire deaths. On September 14, 1976 Montgomery County was the first jurisdiction of its size to adopt a law requiring

the installation of smoke detectors in all residences. The smoke detector law went into effect July 1, 1978.

Once the County Council passed the law, the Department of Fire and Rescue Services began an extensive public education campaign with the cooperation of the media, the public schools and the community. The County provided 1,100 smoke detectors to low-income families and gave advice on how to install and maintain them.

In 1984 a study conducted in Montgomery County, MD and Fairfax County, VA by Johns Hopkins School of Public Health concluded that laws requiring installation of smoke detectors in all homes could reduce the risk of fire deaths, because homeowners generally comply. In both counties, the study found that people who knew or assumed that smoke detectors were required by law were more likely to have them.

The law requires that owners install a smoke detector outside of sleeping areas and in stairways leading to occupied areas. Owners who do not have detectors or who fail to keep their detectors in working order can be fined up to \$250.00. Fire officials caution that many households may have detectors which are not working or are poorly maintained.

Fire officials are currently educating the public on the importance of checking smoke detectors periodically to assure that they are working properly. The County also provides smoke detectors to the elderly and low-income families. Legislation is currently pending that would require smoke detectors on every story of a residence.

Article from: *Communications Link*, ISFSI, Vol IX, Issue 25, 6/28/88.

Correction:

In the June issue we printed that there had been a complete burnout of an 11 story structure. The Poudre Fire Authority in Colorado advised us that in actuality it was the burnout of a room within the structure. Please pardon our error.

Smoke Detector Program Saves Lives

Becky Baker, Building Official, City of Federal Heights, Colorado, reports that on March 11, 1988, firefighters from Federal Heights Fire Department installed a free smoke detector in the home of Catherine Hutchinson, age 80, as part of a Smoke Detector Program in which each city resident is personally contacted by firefighters to determine if they need a detector. Two hours after firefighters installed the new detector in her home, a fire broke out in Mrs. Hutchinson's kitchen. The alarm sounded, alerting Mrs. Hutchinson and she was able to extinguish the fire before any significant damage was done.

According to Ms. Baker, the detectors were purchased through a grant from Community Development Block Grant Monies by the Thornton Fire Department, a neighboring jurisdiction. An agreement between the two departments made it possible for the City of Federal Heights to complete the second phase of its residential detector program—the first phase was initiated by the Business Department and covered all apartments.

Ms. Baker noted that not only does this incident offer support for establishing a smoke detector program, it demonstrates what positive results can be achieved when all city fire departments work together.

Note: Article from, *Building Standards*, May-June 1988.

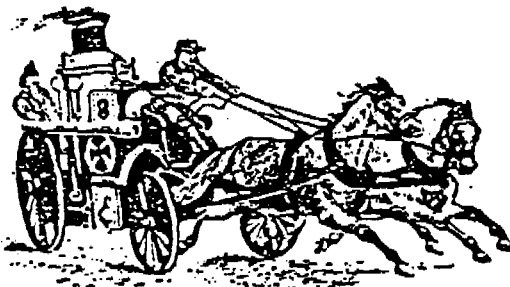
Fire Services Caucus Receives Education on Sprinklers and OLS

Jim Dalton, Director, Operation Life Safety, recently participated in a Fire Services Caucus Seminar in Washington, D.C. The seminar and luncheon, sponsored by the National Fire Sprinkler Association, was held at the Rayburn House Office Building on August 2, 1988, and attracted a number of members of the Congressional Fire Services Caucus.

Program presentors included John A. Vinello, President, National Fire Sprinkler Association, John "Sonny" Scarff, Director of Fire Protection, Marriot Corporation, Jim Dalton from OLS, and Ken Lauzier of the Architect of the Capitol's Office. Congressman Curt Weldon (R-PA) moderated the session and asked associates Congressman Doug Walgren (D-PA) and Sherwood Boehlert (R-NY) to speak to the group.

The Congressional Fire Services Caucus, initiated by freshman Representative Curt Weldon (R-PA), hopes to provide a much needed federal focus on fire problems in the United States. Over 200 Senators and Representatives from both parties have joined together on this non-partisan issue, making this the third largest caucus on Capitol Hill.

Seminar attendees included Clyde Bragdon of the U.S. Fire Administration; Garry Briese, Executive Director, International Association of Fire Chiefs; and Ed McCormack, Executive Director of the International Society of Fire Service Instructors.



The Race for 2nd Vice President is on!

See Pages 4 through 7 for

The Candidates Positions on OLS

PROJECT SMOKE DETECTOR

Would you believe that every single family residence in Takoma Park, Maryland, has an operating smoke detector? Well, it's true. In a public fire safety education program that took 2 1/2 years to complete, members of the Takoma Park Volunteer Fire Department inspected every home in its first due area for compliance with the Montgomery County smoke detector ordinance. That effort found career and volunteers of the department visiting 3,575 homes to survey, inspect, replace batteries and give away smoke detectors.

How did this program come about? In early 1984 a comparative study of smoke detectors was done between Fairfax County Virginia, and Montgomery County, Maryland to determine the effect a community with compliance (Montgomery) and one without a mandatory law. Part of that study included a random survey of properties in each county. In Montgomery County, it was shown that older properties, built before the smoke detector law was passed, had a high percentage of non-compliance. Another important part of the study found that many of the detectors in place did not function. Most of the single station battery type failed because of a dead battery.

PEORIA ADOPTS ORDINANCE

The City of Peoria, Illinois has recently adopted an ordinance requiring all buildings except R3 and Group M above 2500 square feet or above two stories to be equipped with an automatic sprinkler system. This ordinance allows smaller buildings with low-hazard occupancies to utilize plastic approved pip-

ing. To enhance the ordinance's effectiveness, fire walls in these buildings have been increased from two- to four-hour rating. No trade off or reduction in access, water supply, or other constructions features has been implemented.

JOINT FIRE RESEARCH UNDERWAY (The National Scene)

The Center for Fire Research at the National Bureau of Standards and the Gypsum Association are conducting a joint research project at the center in Gaithersburg, Maryland.

A fire protection engineer from the Gypsum Association is working at the center to develop computer models which predicts the effects of fire on wall assemblies. The association is particularly interested in studying how effectively gypsum wall board acts as a fire barrier.

The Gypsum Association, headquartered in Evanston, Illinois, conducts technical research programs in fire, sound and structural testing of gypsum products and related accessories.

The fire protection engineer will be at the fire research center for approximately two years under the bureaus Research Associate Program.

This program provides an opportunity for people from industry, universities, technical societies and other organizations to conduct cooperative research at the bureau on programs of mutual interest, with salaries paid by sponsors.

For additional information contact: Jan Kosko, National Bureau of Standards Gaithersburg, MD 20899.

Sec. 410. No definitions.

Sec. 411. JURISDICTION, as used in this code, is any political subdivision which adopts this code for administrative regulations within its sphere of authority.

Sec. 412. No definitions.

Sec. 413. LINTEL is a structural member placed over an opening or a recess in a wall and supporting construction above.

LIQUID is any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with the Uniform Fire Code Standards. When not otherwise identified, the term "liquid" is both flammable and combustible liquids.

LIQUID STORAGE ROOM is a Group H, Division 2 Occupancy in which the quantities of flammable or combustible liquids do not exceed the limits set forth in the Fire Code.

LIQUID STORAGE WAREHOUSE is a Group H, Division 2 Occupancy used for the storage of flammable or combustible liquids in an unopened condition only in unlimited quantities.

LISTED and LISTING are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and whose listing states that the equipment complies with recognized safety standards.

LOADS, See Chapter 23.

LODGING HOUSE is any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

MARQUEE is a permanent roofed structure attached to and supported by the building and projecting over public property. Marquees are regulated in Chapter 45.

Sec. 414. MARQUEE is a permanent roofed structure attached to and supported by the building and projecting over public property. Marquees are regulated in Chapter 45.

MASONRY is that form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

MASONRY, SOLID, is masonry of solid units built without hollow spaces.

MECHANICAL CODE is the Uniform Mechanical Code promulgated jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as adopted by this jurisdiction.

GUEST is any person hiring or occupying a room for living or sleeping purposes.

GUEST ROOM is any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

H

Sec. 409. HABITABLE SPACE (ROOM) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

HAZARDOUS PRODUCTION MATERIAL (HPM) is a solid, liquid or gas that has a degree of hazard rating in health, flammability or reactivity of 3 or 4 as ranked by U.F.C. Standard No. 79-3 and which is used directly in research, laboratory or production processes which have, as their end product, materials which are not hazardous.

HEIGHT OF BUILDING is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than 10 feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

HELIPORT is an area of land or water or a structural surface which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

HELISTOP is the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

HORIZONTAL EXIT. See Section 3301 (b).

HOTEL is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

HOT-WATER SUPPLY BOILER is a boiler having volume exceeding 120 gallons, or a heat input exceeding 200,000 Btu/h, or an operating temperature exceeding 200°F that provides hot water to be used externally to itself.

HPM STORAGE ROOM is a room used for the storage or dispensing of hazardous production material (HPM) and which is classified as Group H, Division 1 or Division 2 Occupancies.

Existing buildings other than high-rise

APPENDIX I-A

UNIFORM FIRE CODE

B head above the openings on the tenant side. The sprinkler system may be supplied
B from the domestic water supply if of adequate volume and pressure.

B 3. Vertical openings need not be protected if the building is protected by an
B approved automatic sprinkler system.

4. BASEMENT ACCESS OR SPRINKLER PROTECTION

B An approved automatic sprinkler system shall be provided in basements or
B stories exceeding 1500 square feet in area and not having a minimum of 20 square
B feet of opening entirely above the adjoining ground level in each 50 lineal feet or
B fraction thereof of exterior wall on at least one side of the building. Openings shall
B have a minimum clear dimension of 30 inches.

B If any portion of a basement is located more than 75 feet from required
B openings, the basement shall be provided with an approved automatic sprinkler
B system throughout.

5. STANDPIPES

B Any buildings over four stories in height shall be provided with an approved
B Class I or Class III standpipe system.

6. SMOKE DETECTORS

Smoke detectors conforming to U.B.C. Standard No. 43-6 shall be installed in
dwelling units and guest rooms of Group R, Division 1 Occupancies and in
lodging houses of Group R, Division 3 Occupancies. Detectors shall be centrally
located on the ceiling or wall of the main room or sleeping area. Where sleeping
rooms are on an upper level, the detector shall be placed at the center of the ceiling
directly above the stairway. All detectors shall be located in accordance with
approved manufacturer's instructions. When actuated, the detector shall provide
an alarm within the dwelling unit or guest room.

Required smoke detectors shall receive their primary power from the building
wiring when such wiring is serviced from a commercial source. Wiring shall be
permanent and without a disconnecting switch other than those required for
overcurrent protection. When approved, battery-operated smoke detectors may
be installed.

7. SEPARATION OF OCCUPANCIES

B Occupancy separations shall be provided as specified in Section 503 of the
B Building Code. When approved by the chief, existing wood lath and plaster in
B good condition or 1/2-inch gypsum wallboard may be acceptable where one-hour
occupancy separations are required.

Group R Division 1 - Hotels & apt houses

Group R Division 3

*Lodging House - building or portion
thereof containing not more
than five guest rooms where*

334

*rent is paid in money, goods,
labor or otherwise*

Hotels - 601 more rooms

exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

(b) **Floor Area.** Every dwelling unit shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms except kitchens shall have an area of not less than 70 square feet. Efficiency dwelling units shall comply with the requirements of Section 1208.

(c) **Width.** Habitable rooms other than a kitchen shall be not less than 7 feet in any dimension.

Efficiency Dwelling Units

Sec. 1208. An efficiency dwelling unit shall conform to the requirements of the code except as herein provided:

1. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

Shaft Enclosures

Sec. 1209. Exits shall be enclosed as specified in Chapter 33.

Elevator shafts, vent shafts, dumbwaiter shafts, clothes chutes and other vertical openings shall be enclosed and the enclosure shall be as specified in Section 1706.

Fire-warning and Sprinkler Systems

Sec. 1210 (a) Fire-warning Systems. Every dwelling unit and every guest room in a hotel or lodging house used for sleeping purposes shall be provided with smoke detectors conforming to U.B.C. Standard No. 43-6. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. In an efficiency dwelling unit, hotel sleeping room and in hotel suites, the detector shall be centrally located on the ceiling of the main room or hotel sleeping room. Where

sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. All detectors shall be located in accordance with approved manufacturer's instructions. When actuated, the detector shall provide an alarm in the dwelling unit or guest room.

When the valuation of an addition or repair to a Group R, Division 3 Occupancy exceeds \$1,000.00, or when one or more sleeping rooms are added or created in existing Group R, Division 3 Occupancies, the entire building shall be provided with smoke detectors located as required for new Group R, Division 3 Occupancies.

In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be battery operated when installed in existing buildings, or in buildings without commercial power, or in buildings which undergo alterations, repairs or additions regulated by the second paragraph of this section.

A smoke detector shall be installed in the basement of dwelling units having a stairway which opens from the basement into the dwelling. Such detector shall be connected to a sounding device or other detector to provide an alarm which will be audible in the sleeping area.

(b) **Sprinkler and Standpipe Systems.** When required by other provisions of this code, automatic sprinkler systems and standpipes shall be installed as specified in Chapter 38.

Heating

Sec. 1211. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70°F. at a point 3 feet above the floor in all habitable rooms.

Special Hazards

Sec. 1212. Chimneys and heating apparatus shall conform to the requirements of Chapter 37 and the Mechanical Code.

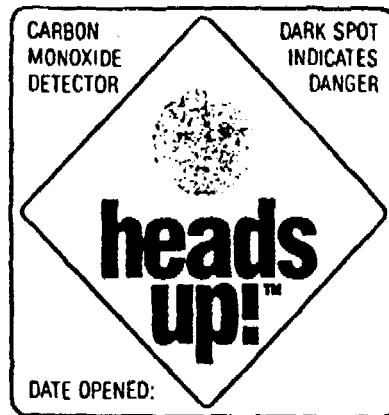
The storage and handling of gasoline, fuel oil or other flammable liquids in Division 1 Occupancies shall be in accordance with the Fire Code.

In Division 1 Occupancies, doors leading into rooms in which Class I flammable liquids are stored or used shall be protected by a fire assembly having a one-hour fire-protection rating. Such fire assembly shall be self-closing and shall be posted with a sign on each side of the door in 1-inch block letters stating: FIRE DOOR—KEEP CLOSED.

Every room containing a boiler, central heating plant or hot-water supply boiler in Division 1 Occupancies shall be separated from the rest of the building by not less than a one-hour fire-resistive occupancy separation.

EXCEPTION: A separation shall not be required for such rooms with equipment serving only one dwelling unit.

#3
3/1/89
SIB207



USER INSTRUCTIONS

- Do not remove the detector plate from the pack until ready for use.
- If carbon monoxide is present, the spot will turn gray or black, in six minutes or less, depending upon the carbon monoxide concentration.
- Even slight darkening indicates a dangerous carbon monoxide level.
- When the air freshens, the spot will regenerate to original color, unless over-exposed, and is ready for use again.
- If the spot gradually turns darker after one or two months, the plate should be discarded.
- Note: product life is dependent upon the quality of the air. For example, a detector in a mountain cabin should last at least a year. A detector in your basement may last several months. On the other hand, a detector placed in an area with significant air pollution will tend to turn darker much sooner, making a change in color harder to detect.
- Shelf life in an unopened package is at least 3 years.
- Once the package has been opened, the date-opened should be written on the specially prepared writing surface on the front of the detector.

For further information contact:

SIMS MARKETING
23 N. Gore, Suite 002
St. Louis, Missouri 63119-2300
Tel: 314-961-4344
Fax: 314-961-0436



Sims Marketing
23 NORTH GORE AVENUE
SUITE 002
ST. LOUIS, MO 63119-2300

TEL 314 961-4344
FAX 314 961-0436

CARBON MONOXIDE DETECTOR: PRODUCT INFORMATION

Sensitivity Range:		Carbon monoxide produced by the combustion of gasoline, natural gas, propane, fuel oil, coal, charcoal, kerosene, wood or paraffin.
Application Range:		Dwellings(furnaces, gas water heaters/stoves, space heaters). Cars, trucks, RV's, trailers, garages, aircraft, boats, cottages, workplaces.
Caution:		The detector will be inactivated & damaged by the presence of halogens(iodine, chlorine, bromine), ammoniac & nitrous gases. Therefore, it must NOT be used for carbon monoxide detection in connection with diesel engine operation.
Signals:		The presence of carbon monoxide in a concentration dangerous to humans will turn the reagent a gray or black color within 6 minutes or less.
Concentration	Symptoms	----- Reaction Times -----
20 ppm(0.002%)	No perceptible effects.	Within 30 minutes to an hour
50 ppm(0.005%)	No perceptible effects.	6 to 8 minutes
200ppm(0.020%)	Mild headache within 2 to 3 hours.	4 to 6 minutes
400ppm(0.040%)	Mild headache, incipient nausea within 2 to 3 hours.	2 to 4 minutes
600ppm(0.060%)	Headache, nausea after 1 hour, unconsciousness after 2 to 3 hours, death after 4 hours.	1 to 2 minutes
800ppm(0.080%)	Unconsciousness after 1 hour, death in 2-3 hours.	1 to 2 minutes

American Gas Assn. 1515 Wilson Blvd., Arlington, VA 22209
2/24 Jim Ransone AGA 703-842-8409 their codes/laws specialists

There are no state laws or code requirements. Possibility of requiring detectors ~~mandatory~~ in new construction was discussed at last years ICBO meeting (Intl. Conference of Bldg. Officials) but felt there were no real inexpensive, reliable, and capable of maintaining level of measurement detectors available, and fears of false alarms from unreliable ones.

There are some on the market ; but they are in the \$300-400 range so cost prohibitive.

Not aware of any reliability tests on cards that he knows of.

Smoking may cause undue alarm.

Phone Jim Hoebel, Consumer Products Safety Division, Bethesda, MD 301-492-6554

Furnaces and room heaters now require a "blocked vent shut-off device"...this will also be required on boilers and wall furnaces in the next 12-18 months.

Says he hates to see cards floating around that may only last a month, as our literature would indicate in poor air quality areas such as basements) and would soon be either ignored, or require constant replacement, and cause a lot of false concerns.

Send him a copy of the proposed law, including HB 539.

2/24/89

U. S.

Jim Hoebel, Program Management Office, /Consumer Products Safety Division (CPSD)
Bethesda MD 301-492-6554

Has been a couple of years since they took a specific look at the availability of carbon monoxide detection devices. Some were available that would detect at 100 ppm; but there is no national standard, and the ones available were too expensive.

Question--Helena Fire Marshall said allowable was 50 ppm--this is far below any other figures I have obtained which range from 100 to 300 ppm.

CPSD has two concerns--overnight leakage, and long term low level ppm; but there are no definitive studies available to indicate what the danger levels are. CPSD was thinking in terms of 100 ppm, but some manufacturers of test equipment were recommending 300 ppm.

Understands there have been some breakthroughs in test equipment and costs, but the products have not been tested.

Suggests contacting A. A. Bartkus, Underwriter's Labs. Northbrook, Ill,
312-272-8800 ext. 2931.

2/24/89

(UL)

A. A. Bartkus, Underwriters Labs, Northbrook, Illinois, 312-272-8800 ext 2931

Have investigated a number of carbon monoxide (CO) detectors. One of them they looked at recently was a combination smoke and CO alarm...a peak response type that goes off at a CO level of 300 ppm.

Mgt

Mfr.-BDC Co., John Doughty, Midland, TX 915-694-7887

~~Summary~~ US Consumer Products Safety Division (CPSD) has been thinking in terms of 100 ppm safety level.

American Gas Assn. has been proposing safety devices that would automatically shut the eqpt off in 2 hours at 200 ppm, and 30 minutes at 400 ppm.

The standard set by UL for residential gas detectors is to activate at a maximum level of 300 ppm on 2 samples and an average of 250 ppm on 40 samples.

They did not go lower than this on ppm because the state of the art on alarms at this time such that a ~~reasonable~~ reasonably priced alarm would produce many false alarms; and a highly accurate no-false-alarms device would be priced out of reach.

Statistics show that a ~~continuous~~ continuous/ level of 300 ppm CO will not cause death in healthy people and was a good compromise.

2/24/89

Bill Hooper Occupational Health Bureau, State Board of Health 444-3454

~~50~~ 50 ppm as quoted permissible level by Helena Fire Marshall is not a residential standard, this is the maximum time weighted average occupational level for 8 hour days--in other words, you can work at this level every day.

(Hooper is extremely knowledgeable and has done a lot of CO testing.)

Outside air limit is 9 ppm

Hardly ever see over 5 ppm in a house.

Can contact Henry Safety, Billings for info on detectors 248-8098. A cheap portable detector would run \$800-\$1000.

A cheaper deal yet would be detector tubes, the unit costs about \$200, but the detector tubes it uses are a 10 pack for \$30, \$3 each, but are one-time use.

Says alarms have to be recalibrated weekly, ~~which~~ which raises another problem... is this true of all alarms?--maybe he just meant the portable alarms he uses.

Doesn't think daily observation of detector cards is the way to go...would gradually darken and be useless.

Thanks an annual spot check in winter would be the most effective means of detecting low-level concentrations, and the occupants headaches or nausea would be the warning of a sudden split in furnace heat exchanger.

(Could put up warning signs for tenants maybe to call landlord or gas co. for a spot check if they start having headaches or nausea.)

Doubts if cigarette smoking would affect a card detector except to gradually darken it, as cigarettes usually only produce about 5 ppm in a house and up to 20 ppm in a crowded, smoky bar.

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2806

HELENA, MONTANA 59620

February 23, 1989

Jim McKay
Montana Landlord Association
3800 4th Avenue South
Great Falls, Montana 59405

Dear Mr. McKay:

Enclosed is the information you requested regarding deaths from exposure (in the home) and deaths from carbon monoxide (in the home). The enclosed information covers the years 1983 to 1987.

I think most of the headings for the tables are self-explanatory, except for Residence, which I will explain. The cause of death codes indicated that these deaths occurred at a residence (i.e., the deaths from carbon monoxide); however, when I researched the actual death certificate some of the certificates indicated the victims died in structures other than houses (camper and van). Therefore, to explain these incidents I have placed a question mark (?) in the Residence Column and I have also included comments from the actual death certificate to help explain the circumstances surrounding the death. Also, there were no deaths from exposure (in the home) in 1986 and 1987.

If you have any questions or need further clarification, please contact me at 444-4228. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Albert Niccolucci".

Albert Niccolucci
Research Specialist
Bureau of Records and Statistics

AN/gpc
Enclosures

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

CARBON MONOXIDE DEATHS (IN THE HOME): 1983-1987

	AGE	SEX	COUNTY*	DATE/DIED	RESIDENCE
1.	69	F	STILLWATER	02/08/83	YES (1)
2.	88	M	STILLWATER	02/08/83	YES
3.	52	M	GALLATIN	02/05/84	? (2)
4.	55	M	FLATHEAD	05/03/84	? (3)
5.	40	M	FLATHEAD	06/16/86	? (4)
6.	54	M	DAWSON	01/16/87	YES (5)
7.	63	F	RAVALLI	01/27/87	YES (6)
8.	73	M	RAVALLI	01/27/87	YES

TOTAL DEATHS:8

COMMENTS FROM THE DEATH CERTIFICATE(S)

- 1.SCREEN OVER THE CHIMNEY WAS CLOGGED WITH SOOT ;"MALFUNCTIONING - FURNACE".
- 2.VICTIM INTOXICATED;IGNITED HEATER(PROFANE)IN CAMPER AND DIED.
STREET IN BOZEMAN(NOT AT WORK)
- 3.CARBON MONOXIDE POISONING FROM HIBACHI USED IN VAN.
- 4.CARBON MONOXIDE POISONING.CAUSING ASPHYXIATION USING CATALYTIC HEATER
AND NOT PROPERLY VENTED. *u*
- 5.DECEASED APPARENTLY DIED OF CARBON MONOXIDE POISONING,HOME HEATING
SYSTEM.
- 6.CARBON MONOXIDE POISONING;IMPROPERLY VENTED NATURAL GAS STOVE.

*COUNTY INDICATES COUNTY OF OCCURRENCE

SOURCE: BUREAU OF RECORDS AND STATISTICS 02/23/89

FAA

carbon monoxide, regeneration and reuse after the initial exposure became questionable.

The "Detector" ceased to be effective when exposed continuously to traces of carbon monoxide. Carbon monoxide concentrations of less than .005 percent, present in the cabins of many general aviation aircraft, will cause overexposure and render the "Detector" ineffective within one to five hours exposure time. When exposed in fresh air, the length of life of a "Detector" after removal from its protective wrapping appeared to be a function of the environmental humidity. One life test indicated that the sensitivity of the "Detector" was satisfactory following four weeks of exposure. After four weeks, the sensitivity of the "Detector" deteriorated when a ring, bleached in color, appeared around the sensitized spot.

3. Disturbing Gases: The carbon monoxide present in cigarette smoke caused a discoloration or reaction of the "Detector". After one cigarette was smoked within the cabin simulator chamber (no ventilation), the carbon monoxide concentration in the chamber was measured at .0052 percent to .0056 percent and remained at these concentrations for at least ten minutes. A noticeable discoloration of the "Detector" occurred within a period of seven minutes and reaction had progressed to the point where the test was terminated in ten minutes exposure time. Testing of the "Detector" in flight indicated that cigarette smoke moved forward and out of the cabin with only transient contact with the "Detector", resulting in little discoloration. Regardless of this however, the "Detector" must be installed in a cabin location or used in such a manner so as not to be exposed to cigarette smoke.

False alarms? Call Gasco if they happen to look at after smoking?
The oxides of nitrogen are reported to have a disturbing influence on the "Detector". Further, the oxides of nitrogen bleach the color following reaction to carbon monoxide. A "Detector" blackened by carbon monoxide can regenerate in a few minutes by exposure to nitrogenous gases, Reference 3.

As the oxides of nitrogen reportedly affect reaction of the "Detector" and since they are known to be present in the exhaust gases of diesel and gasoline engines, the tests reported herein were purposely conducted in an atmosphere contaminated with the exhaust gases from a four-cylinder, horizontal-opposed aircraft engine. With the exhaust gases routed into the simulator cabin in sufficient quantity to establish a concentration of .070 percent carbon monoxide, the nitrogen dioxide (NO₂) concentration was measured at .0003 percent by volume. The maximum allowable

FAA CONCLUSIONS

Based upon the results of the carbon monoxide indicator tests reported herein, it is concluded that:

1. The "Detector" reacts to provide color warning to indicate the presence of minute concentrations of carbon monoxide in an atmosphere contaminated with engine exhaust gases.

2. Upon continuous exposure to carbon monoxide, the sensitized spot on the "Detector" will turn darker at a rate dependent upon the concentration of carbon monoxide and humidity of the surrounding atmosphere.

3. The water vapor present in the atmosphere retards "Detector" reaction to carbon monoxide, particularly under the extended exposure periods required to indicate low concentrations.

4. The consistency of response when the "Detector" was exposed to carbon monoxide was excellent under a given set of conditions.

5. Regeneration and hence, reuse of the "Detector" following reaction to carbon monoxide was limited by critical time periods of exposure and/or critical intensities of reaction. Continuous exposure of the "Detector" to traces of carbon monoxide will result in overexposure and loss of effectiveness within one to five hours time.

6. The "Detector" will provide effective monitoring in the cabin for periods up to 30 days, provided it does not come in contact with traces of carbon monoxide on a prolonged basis.

7. Although the "Detector" cannot be used to measure exact concentrations of carbon monoxide, it may be utilized to estimate the presence of SAFE, MARGINAL or DANGEROUS concentrations when used in conjunction with the instruction card incorporating a color scale developed from the results of testing reported herein.

8. The sensitivity of the "NO-CO" Indicator was not adequate for use of this indicator in general aviation aircraft.

FAA

RECOMMENDATIONS

Based upon the results of the carbon monoxide indicator tests reported herein, it is recommended that:

1. The "Detector" be utilized in conjunction and in accordance with the instruction card, to estimate the presence of SAFE, MARGINAL, or DANGEROUS concentrations of carbon monoxide.

2. The "Detector" be exposed in the cabin as a continuous monitor for carbon monoxide for periods up to thirty days, provided traces of carbon monoxide are not present on an extended basis.

3. If discoloration of the exposed "Detector" monitor is noted, a second sealed "Detector" be opened, and the exposure observed and timed; assessment of SAFE, MARGINAL, or DANGEROUS concentrations of carbon monoxide be accomplished by comparing the coloration of the sensitized spot with the color scale.

4. An optimum location for exposure of the "Detector" be at the face level of the pilot. However, the "Detector" should not come in contact with cigarette smoke on a prolonged basis.

5. Following reaction and discoloration of the sensitized spot from exposure to carbon monoxide, the "Detector" be placed in fresh air, preferably in sunshine; and, in the event the sensitized spot returns to its original color (SAFE area of the color scale), the "Detector" may be reused.

DAILY ROLL CALL
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 3 1 89

NAME	PRESENT	ABSENT	EXCUSED
PAVLOVICH, BOB	✓		
DeMARS, GENE	✓		
BACHINI, BOB	✓		
BLOTKAMP, ROB	✓		
HANSEN, STELLA JEAN	✓		
JOHNSON, JOHN	✓		
KILPATRICK, TOM	✓		
McCORMICK, LLOYD "MAC"	✓		
STEPPLER, DON			
GLASER, BILL	✓		
KELLER, VERNON	✓		
NELSON, THOMAS	✓		
SIMON, BRUCE	✓		
SMITH, CLYDE	✓		
THOMAS, FRED	✓		
WALLIN, NORM	✓		
PAUL VERDON	✓		

VISITORS' REGISTER

Business

COMMITTEE

HB'S 736 746

BILL NO SB'S 27 16 207 115 DATE

3/1/89

SPONSOR Mayor Wording B. Brown Lynch

Please put the bill number. Thanks

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Jimmy Weg	MT Secretary Rep.	SB 27	
Bill Leary	MT. Bankers Assn.	SB 16	
Leiford Lewis	A.A.S.P.	Amend	
Roger Tippy	MT. Ben & Wm Wholesale	SB-115	
Tim Bergstrom	MT. STATE FIREMENS ASSOC.	HB 743	
Dick Klein	MTBOH	SB 207	
Lyle Nagel	MT. St. Vol. Firefighters Assn	SB-115	
Marvin Barber	MT. Assassors	SB 207	
Hank Hudson	DFS/Aging	SB 16 X	
Martin E. Behrer	Missoula	SB 115	
Robert L. Harris	Missoula	SB 204	✓
Steve Turkiewicz	MT AUTO DEALERS ASSN	SB 207	✓
CHAS STOLANOFF	MT. Assoc. of Counties	HB 736	
Bruce Galda	Dept. of Highways	HB 736	HB 736
Brian McCullough	MT Landlords	HB 736 J	
Opwen Wapren	AARP.	SB 207	
D Mackay	MT LANDLORDS	SB 115	
Tom Hoggard	Mont. Assoc. Realtors	SB 207	
Carl Harrington	Mont County Treasurer Ass	SB 16	✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. _____

DATE _____

SPONSOR _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

HOUSE COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By Rep. Bob Pavlovich, on March 9, 1989, at 8:30 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Paul Verdon and Sue Pennington

Announcements/Discussion: None

DISPOSITION OF SENATE BILL 18

Motion: Rep. Kilpatrick moved BE CONCURRED IN.

Amendments, Discussion, and Votes: None

Recommendation and Vote: SB 18 BE CONCURRED IN unanimously.

DISPOSITION OF SENATE BILL 351

Motion: Rep. Nelson moved BE CONCURRED IN and moved the amendments.

Amendments, Discussion, and Votes: The amendments insert "-- extension permissible" on page 8, line 17, page 10, line 25, following "may", strike ",", on page 10, line 25, through page 11, line 2 following "penalty" on line 25, strike remainder of line 25 through "investments" on line 2, insert "abate the penalty", page 11, line 7, following line 6 insert "(4) The department of revenue may grant an extension of time in which to make qualified investments pursuant to subsection (1) upon application by a capital company showing reasonable cause for an extension." and renumber subsequent subsection. The amendments DO PASS unanimously.

Recommendation and Vote: SB 351 BE CONCURRED IN as amended unanimously.

DISPOSITION OF SENATE BILL 303

Motion: Rep. Johnson moved BE CONCURRED IN.

Recommendation and Vote: SB 443 BE CONCURRED IN 8-6 vote with one member abstaining.

HEARING ON SENATE BILL 15

Presentation and Opening Statement by Sponsor:

Sen. Halligan said that this bill will require that no instrument or deed evidencing a transfer of property can be filed without an affidavit by the seller stating that the home being sold is equipped with a smoke detector.

Testifying Proponents and Who They Represent:

Charles Gibson, Montana State Fire Chiefs Association
Ray Blehm, State Fire Marshall, Helena
Sharon Cleary, Montana Association of Realtors
Ed Fleece, Helena Fire Department
Bill Reed, Missoula

Proponent Testimony:

Mr. Gibson said that after speaking with Rep. Stella Jean Hansen, I know there is some feeling among you that this is not a strong enough bill, that it should be revised or combined with SB 207. My association supports both bills, but we feel this bill will make effective legislation, your action as legislators will show that you understand the need for smoke detectors and the need for this legislation. We encourage you to support this legislation and if it needs improvements, do this in the future. Eighty percent of fire deaths are at home. It has been proved that smoke detectors save lives and property.

Mr. Blehm said the bottom line is that smoke detectors will save lives. I urge you to give this bill a do pass.

Ms. Cleary stated that she supports this bill. I urge your favorable consideration of this bill.

Mr. Fleece said they think this is a good bill and if it saves only one life it is worth it. I urge you do pass on this bill.

Mr. Reed said that in the 28 years he has been a fire fighter there have been several severe injuries and deaths. Several of the homes did not have smoke detectors. This bill could save lives. I urge you to give this bill a do pass.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Hansen asked Rep.

Halligan if the real estate agent would have to buy the smoke detector? It doesn't state in the bill who is required to buy the smoke detector. Rep. Halligan said he did not think the realtor would have anything to do with purchasing the smoke detector. When the seller writes out the statement that the home is equipped with a smoke detector and gives it to the realtor, the realtor can't be held liable. If the owner signs the affidavit the real estate agent is not liable.

Rep. Pavlovich told Rep. Halligan that he had planned to put this bill and SB 207 in a sub-committee and see if they can come up with something with the two bills together, something compatible, as they are almost the same thing. I didn't think it should die on the floor because I think it is a good bill.

Rep. Wallin asked Mr. Blehm how many fatalities were kids home without either parent in the home? How would they have been able to cope with this fire alarm? Mr. Blehm said there is a lot of education in all the schools right now teaching fire safety to the kids. Kids are probably the most educated people, fire safety wise, of the population. The odds are reasonably good that these kids are older, school age, they would be able to get out. If they are under school age the parents should not be leaving them alone, unattended without adult supervision. We know there are irresponsible parents around the country.

Closing by Sponsor: Sen. Halligan said if the committee has some suggestions as to how to make this not mandatory I am willing to work with them. I am willing to accept amendments.

Rep. Pavlovich put SB 15 and SB 207 in a sub-committee with Reps. Hansen, Stepler, and Glaser, with Rep. Hansen chairing the sub-committee.

HEARING ON SENATE BILL 267

Presentation and Opening Statement by Sponsor:

Sen. Meyer, Senate District 17, said this bill will remove prohibition against state chartered savings and loans loaning money on farms.

Testifying Proponents and Who They Represent:

John Buchanan, Chairman of the Board, Fidelity Savings & Loan, Great Falls

DAILY ROLL CALL
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 3 9 89

NAME	PRESENT	ABSENT	EXCUSED
PAVLOVICH, BOB	✓		
DeMARS, GENE	✓		
BACHINI, BOB	✓		
BLOTKAMP, ROB	✓		
HANSEN, STELLA JEAN	✓		
JOHNSON, JOHN	✓		
KILPATRICK, TOM	✓		
MCCORMICK, LLOYD "MAC"	✓		
STEPPLER, DON	✓late		
GLASER, BILL	✓		
KELLER, VERNON	✓		
NELSON, THOMAS	✓		
SIMON, BRUCE	✓		
SMITH, CLYDE	✓		
THOMAS, FRED	✓		
WALLIN, NORM	✓		
PAUL VERDON	✓		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

HOUSE COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By Rep. Bob Pavlovich, on March 14, 1989, at 9:00 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Paul Verdon and Sue Pennington

Announcements/Discussion: None

EXECUTIVE ACTION

DISPOSITION OF HOUSE BILL 736

Motion: Rep. Glaser moved DO PASS and submitted an amendment.

Amendments, Discussion, and Votes: Rep. Glaser said the amendment made sure that the GVW trucks are not involved in this bill. It was worked out by Mr. Akey and the highway department. Rep. Glaser said if there were any questions that Mr. Akey and a representative from the department are here. Rep. Glaser said it made clear that we are talking about cars and light trucks, not large trucks.

Rep. Pavlovich asked Rep. Wallin if this would affect him in any way? Rep. Wallin said he had no problem with it.

See the attached copy of the amendments. Rep. Glaser moved the amendments.

Mr. Akey said that in his opinion and the opinion of the people he represents, the passage of this bill will allow for greater fleet operation in the state. We will have more cars on the road, more gas being bought, and more gas tax collected. If more fleets are in the state, you will have more people coming into the state staying in the hotels and motels, more bed tax will be collected. If we have increases in the tourist trade we will have increases in jobs, profits to the companies involved in the tourist trade, also increased corporate taxes. It is difficult to estimate the dollar amount associated with this.

Rep. Bachini asked Mr. Akey if before when the bill was

DISPOSITION OF SENATE BILL 15

Motion: Rep. McCormick made a motion to TABLE SB 15.

Discussion: Rep. Pavlovich said he would like the committee to do something with SB 15 and SB 207. He asked Rep. Hansen what the subcommittee had come up with. Rep. Hansen said SB 15 is dead. She did not think Rep. Halligan's bill did much of anything. All it did was encourage real estate transferees to lie about having a smoke detector.

Rep. Glaser said if a person signed a certificate saying there is a smoke detector in the house and you move in the house and the smoke detector is not in the house, somebody will get sued if something happens.

Rep. Bachini said one of the landlords had their attorney draft an amendment which he gave to Rep. Hansen regarding liability. If they don't take care of it the landlord is going to be in trouble. If SB 207 is passed I would like the amendment in. Even if it is tabled, the amendment is in there.

Rep. Hansen said she didn't want the realtor to be held responsible for the home having a smoke detector installed in the house. There is nothing in the bill saying the realtor does not have to put the detector in the house.

Amendments, Discussion, and Votes: None

Recommendation and Vote: SB 15 was TABLED 12-3 vote.

DISPOSITION OF SENATE BILL 207

Motion: Rep. Bachini moved BE CONCURRED IN and moved the amendments.

Amendments, Discussion, and Votes: Paul Verdon said the amendment proposed by the Montana Landlords Association changes page 2, line 22, following ".", insert a new sentence that says "The landlord is not liable for damages caused as a result of the failure of the smoke detector to properly operate unless the tenant notified the landlord that the smoke detector was defective and the landlord failed within a reasonable period of time to replace it, then only if the damage was not incurred if the smoke detector was inoperable. In no event is the landlord liable for damages if the smoke detector is operated as designed by the manufacturer. The failure of the battery is not considered a defect and the replacement of batteries is the responsibility of the tenants." The amendment DO PASS.

Paul said he had a note that the fire marshal at the time of

HOUSE COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

March 14, 1989

Page 4 of 4

the hearing requested an amendment on page 2, line 15, insert after install, ", in accordance with rules adopted by the state fire marshal,". Rep. Glaser said the concern there was that the detector be properly installed.

Rep. Bachini moved the amendment.

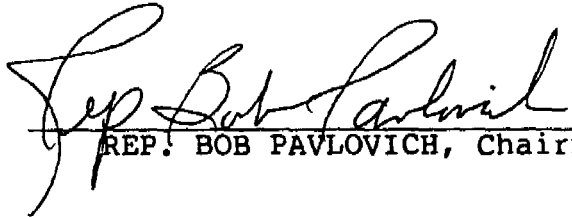
Paul said if we put that amendment in there, we should also add an extension of authority because this bill doesn't give any authority.

Rep. Bachini moved to put in the extension of authority. The amendment DO PASS 12-4 vote.

Recommendation and Vote: SB 207 BE CONCURRED IN as amended 12-4 vote.

ADJOURNMENT

Adjournment At: 10:30 a.m.


REP. BOB PAVLOVICH, Chairman

BP/sp

6003.min

DAILY ROLL CALL
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 3 14 89

NAME	PRESENT	ABSENT	EXCUSED
PAVLOVICH, BOB	✓		
DeMARS, GENE	✓		
BACHINI, BOB	✓		
BLOTKAMP, ROB	✓		
HANSEN, STELLA JEAN	✓		
JOHNSON, JOHN	✓		
KILPATRICK, TOM	✓		
MCCORMICK, LLOYD "MAC"	✓		
STEPPLER, DON	✓ late		
GLASER, BILL	✓		
KELLER, VERNON	✓		
NELSON, THOMAS	✓		
SIMON, BRUCE	✓		
SMITH, CLYDE	✓		
THOMAS, FRED	✓ late		
WALLIN, NORM	✓		
PAUL VERDON	✓		

ROLL CALL VOTE

BUSINESS AND ECONOMIC DEVELOPMENT

COMMITTEE

DATE 3/14/89 BILL NO. SB207 NUMBER

NAME	AYE	NAY
Bob Pavlovich		
Bob Bachini		X
Rob Blotkamp		
Gene DeMars		X
Bill Glaser		
Stella Hansen		X
John Johnson		
Vernon Keller		
Tom Kilpatrick		
Lloyd McCormick		
Thomas Nelson		
Bruce Simon		
Clyde Smith		
Don Steppler		X
Fred Thomas		
Norm Wallin		

TALLY

12 4

Sue Pennington
Secretary

Bob Pavlovich
Chairman

MOTION: Rep Bachini moved be concurred in
as amended.

Rep. Connelly will carry.

Amendments to Senate Bill No. 207
Third Reading Copy

For the Committee on Business and Economic Development

Prepared by Paul Verdon
March 14, 1989

1. Page 1, line 14.

Following: "duties"

Insert: "-- limitation of landlord's liability for failure of
smoke detector"

2. Page 2, line 15.

Following: "install"

Insert: ", in accordance with rules adopted by the state fire
marshal,"

3. Page 4.

Following: line 1

Insert: "(5)(a) The landlord is not liable for damages:

(i) caused as a result of the failure of the smoke
detector required under subsection (1)(g) to operate
properly unless:

(A) the tenant notified the landlord that the smoke
detector was defective and the landlord failed, within a
reasonable period of time, to replace the smoke detector;
and

(B) the damages would not have occurred if the smoke
detector had been operable; or

(ii) if the smoke detector operated as designed by the
manufacturer.

(b) The failure of a battery is not considered a defect
of a smoke detector, and the replacement of a battery in a
smoke detector is the responsibility of the tenant.

NEW SECTION. Section 2. Extension of authority. Any
existing authority to make rules on the subject of the
provisions of [this act] is extended to the provisions of
[this act]."

Renumber: subsequent sections

STANDING COMMITTEE REPORT

3/14/89
1:45 pm
for
March 14, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 207 (third reading copy - blue) be concurred in as amended.

Signed: Robert Pavlovich, Chairman

[REP. CONNELLY WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 1, line 14.

Following: "duties"

Insert: "-- limitation of landlord's liability for failure of smoke detector"

2. Page 2, line 15.

Following: "install"

Insert: ", in accordance with rules adopted by the state fire marshal,"

3. Page 4.

Following: line 1

Insert: "(5) (a) The landlord is not liable for damages:

(i) caused as a result of the failure of the smoke detector required under subsection (1)(g) to operate properly unless:

(A) the tenant notified the landlord that the smoke detector was defective and the landlord failed, within a reasonable period of time, to replace the smoke detector; and

(B) the damages would not have occurred if the smoke detector had been operable; or

(ii) if the smoke detector operated as designed by the manufacturer.

(b) The failure of a battery is not considered a defect of a smoke detector, and the replacement of a battery in a smoke detector is the responsibility of the tenant.

NEW SECTION. Section 2. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act]."

Renumber: subsequent sections

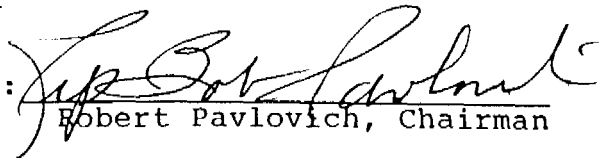
STANDING COMMITTEE REPORT

March 14, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 207 (third reading copy - blue) be concurred in as amended.

Signed:


Robert Pavlovich, Chairman

[REP. CONNELLY WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 1, line 14.

Following: "duties"

Insert: "-- limitation of landlord's liability for failure of smoke detector"

2. Page 2, line 15.

Following: "install"

Insert: ", in accordance with rules adopted by the state fire marshal,"

3. Page 4.

Following: line 1

Insert: "(5)(a) The landlord is not liable for damages:

(i) caused as a result of the failure of the smoke detector required under subsection (1)(g) to operate properly unless:

(A) the tenant notified the landlord that the smoke detector was defective and the landlord failed, within a reasonable period of time, to replace the smoke detector; and

(B) the damages would not have occurred if the smoke detector had been operable; or

(ii) if the smoke detector operated as designed by the manufacturer.

(b) The failure of a battery is not considered a defect of a smoke detector, and the replacement of a battery in a smoke detector is the responsibility of the tenant.

NEW SECTION. Section 2. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act]."

Renumber: subsequent sections

SB 207
HOUSE

RT

7.21

COMMITTEE OF THE WHOLE AMENDMENT
SENATE BILL 207
Representative Bob Bachini

March 21, 1989 7:59 am
Page 1 of 1

Mr. Chairman: I move to amend SENATE BILL 207 (third reading copy -- blue), as the bill was amended by the House Committee on Business and Economic Development on March 14, 1989 (green sheet).

Signed: Bob Bachini
Representative Bob Bachini

And, that such amendments to the committee amendments to SENATE BILL 207 (green sheet) read as follows:

1. Strike: committee amendment no. 3 in its entirety

Insert: at Page 4 of the bill following line 1

" (5)(a) The landlord is not liable for damages caused as a result of the failure of the detector required under subsection (1) (g).

NEW SECTION. Section 2. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act]."

ADOPT

REJECT

HOUSE
SB 207

SENATE BILL NO. 207

INTRODUCED BY B. BROWN, HALLIGAN, HARP, HIMSL,
CONNELLY, DARKO, HARDING, VAUGHN, WALLIN, COHEN,
SMITH, LEE, R. NELSON, MERCER, OWENS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
INSTALLATION AND--MAINTENANCE OF SMOKE DETECTORS IN RENTAL
UNITS; AMENDING SECTION 70-24-303, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-24-303, MCA, is amended to read:

"70-24-303. Landlord to maintain premises -- agreement
that tenant perform duties -- LIMITATION OF LANDLORD'S
LIABILITY FOR FAILURE OF SMOKE DETECTOR. (1) A landlord
shall:

(a) comply with the requirements of applicable
building and housing codes materially affecting health and
safety in effect at the time of original construction in all
dwelling units where construction is completed after July 1,
1977;

(b) make repairs and do whatever is necessary to put
and keep the premises in a fit and habitable condition;

(c) keep all common areas of the premises in a clean
and safe condition;

(d) maintain in good and safe working order and
condition all electrical, plumbing, sanitary, heating,
ventilating, air-conditioning, and other facilities and
appliances, including elevators, supplied or required to be
supplied by him;

(e) provide and maintain appropriate receptacles and
conveniences for the removal of ashes, garbage, rubbish, and
other waste incidental to the occupancy of the dwelling unit
and arrange for their removal; and

(f) supply running water and reasonable amounts of hot
water at all times and reasonable heat between October 1 and
May 1, except if the building that includes the dwelling
unit is not required by law to be equipped for that purpose
or the dwelling unit is so constructed that heat or hot
water is generated by an installation within the exclusive
control of the tenant; and

(g) install, IN ACCORDANCE WITH RULES ADOPTED BY THE
STATE FIRE MARSHAL, an approved smoke detector in each
dwelling unit under his control. Following-installation, the
landlord shall maintain the smoke detector in working order.
UPON COMMENCEMENT OF A RENTAL AGREEMENT, THE LANDLORD SHALL
VERIFY THAT THE SMOKE DETECTOR IN THE DWELLING UNIT IS IN
GOOD WORKING ORDER. THE TENANT SHALL MAINTAIN THE SMOKE
DETECTOR IN GOOD WORKING ORDER DURING THE TENANT'S RENTAL
PERIOD. For purposes of this subsection, an approved smoke

detector is a device that is capable of detecting visible or invisible particles of combustion and that bears a label or other identification issued by an approved testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

(2) If the duty imposed by subsection (1)(a) of this section is greater than a duty imposed by subsections (1)(b) through ~~(1)(f)~~ (1)(g), a landlord's duty shall be determined by reference to subsection (1)(a).

(3) A landlord and tenant of a one-, two-, or three-family residence may agree in writing that the tenant perform the landlord's duties specified in subsections (1)(e) and (1)(f) of this section and specified repairs, maintenance tasks, alteration, and remodeling but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord.

(4) A landlord and tenant of a one-, two-, or three-family residence may agree that the tenant is to perform specified repairs, maintenance tasks, alterations, or remodeling only if:

(a) the agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by adequate consideration;

(b) the work is not necessary to cure noncompliance with subsection (1)(a) of this section; and

(c) the agreement does not diminish the obligation of the landlord to other tenants in the premises.

~~(5) -- (A) -- THE LANDLORD IS NOT LIABLE FOR DAMAGES:~~

~~(1) -- CAUSED -- AS -- A -- RESULT -- OF -- THE -- FAILURE -- OF -- THE -- SMOKE DETECTOR, -- REQUIRED -- UNDER -- SUBSECTION -- (1)(G) -- TO -- OPERATE PROPERLY -- UNLESS:~~

~~(A) -- THE -- TENANT -- NOTIFIED -- THE -- LANDLORD -- THAT -- THE -- SMOKE DETECTOR -- WAS -- DEFECTIVE -- AND -- THE -- LANDLORD -- FAILED -- WITHIN -- A REASONABLE -- PERIOD -- OF -- TIME -- TO -- REPLACE -- THE -- SMOKE -- DETECTOR, AND~~

~~(B) -- THE -- DAMAGES -- WOULD -- NOT -- HAVE -- OCCURRED -- IF -- THE -- SMOKE DETECTOR -- HAD -- BEEN -- OPERABLE; OR~~

~~(1) -- IF -- THE -- SMOKE -- DETECTOR -- OPERATED -- AS -- DESIGNED -- BY -- THE MANUFACTURER.~~

~~(B) -- THE -- FAILURE -- OF -- A -- BATTERY -- IS -- NOT -- CONSIDERED -- A DEFECT -- OF -- A -- SMOKE -- DETECTOR, -- AND -- THE -- REPLACEMENT -- OF -- A -- BATTERY IN -- A -- SMOKE -- DETECTOR -- IS -- THE -- RESPONSIBILITY -- OF -- THE -- TENANT.~~

(5) THE LANDLORD IS NOT LIABLE FOR DAMAGES CAUSED AS A RESULT OF THE FAILURE OF THE SMOKE DETECTOR REQUIRED UNDER SUBSECTION (1)(G)."

NEW SECTION. SECTION 2. EXTENSION OF AUTHORITY. ANY EXISTING AUTHORITY TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF [THIS ACT] IS EXTENDED TO THE PROVISIONS OF

1 [THIS ACT].

2 NEW SECTION. **Section 3.** Effective date --
3 applicability. This act is effective on passage and
4 approval and applies to all rental dwelling units after
5 January 1, 1990.

-End-